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12 OCT 2006

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET, STE. 900
ALEXANDRIA, VA 22314-1437

In re Application of: NIELSEN	:	
Application No.: 10/593,566	:	
PCT Application No.: PCT/IB05/50349	:	DECISION ON
Int. Filing Date: 27 January 2005	:	PETITION UNDER
Priority Date Claimed: 28 January 2004	:	37 CFR 1.137(b)
Attorney Docket No.: P09058US00/DEJ	:	
For: Panels and Systems of Such Panels for	:	
Instance For Suspended Ceilings	:	
	:	

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 20 September 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 January 2005, Applicant filed international application PCT/IB05/50349. The international application claims a priority date of 28 January 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 28 July 2006.

On 20 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 provided by Applicant.

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

2 7 SEP 2007

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Richard L. Treanor
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of
GROEGER, et al.
U.S. Application No.: 10/593,567
PCT No.: PCT/EP05/02933
Int. Filing Date: 18 March 2005
Priority Date: 22 March 2004
Attorney Docket No.: 294227US0X PCT
For: PROCESS FOR PREPARING OPTICALLY ACTIVE AMINO ACIDS USING A WHOLE-CELL CATALYST

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's petition to accept the present national stage application without the signature of joint inventor Werner Hummel filed 21 August 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 March 2005, applicant filed international application PCT/EP05/02933, which claimed a priority date of 22 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 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 22 September 2006.

On 20 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a preliminary amendment.

On 21 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 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 21 August 2007, applicant filed the present petition under 37 CFR 1.47.

DISCUSSION

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

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

While applicant has provided a first hand account of the mailing of papers to Professor Hummel signed by Ms. Wissel, as well as, proof of delivery; it appears from the statement and exhibits that the inventor was only provided with a declaration for signature and not a complete set of application papers.

Regarding item (3), applicant has not provided the last known address of Professor Hummel.

CONCLUSION

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

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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0 7 DEC 2007

Richard L. Treanor
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of GROEGER, et al. U.S. Application No.: 10/593,567 PCT No.: PCT/EP05/02933 Int. Filing Date: 18 March 2005 Priority Date: 22 March 2004 Attorney Docket No.: 294227US0X PCT For: PROCESS FOR PREPARING OPTICALLY ACTIVE AMINO ACIDS USING A WHOLE-CELL CATALYST	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's renewed petition to accept the present national stage application without the signature of joint inventor Werner Hummel filed 27 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 September 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 27 November 2007, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

As detailed in the decision mailed 27 September 2007, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (4).

With the filing of the present renewed petition and accompanying exhibits, applicant has satisfied the remaining two items and it is proper to grant the renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 18 March 2005 under 35 U.S.C. 363, and will be given a date of **21 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

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19 DEC 2006

Daniel J. Swirsky
AlphaPatent Associates, Ltd.
55 Reuven Street
Beit Shemesh
ISRAEL 99544

In re Application of	:	
SHECHTMAN, et al.	:	
U.S. Application No.: 10/593,581	:	DECISION ON PETITION
PCT No.: PCT/IL05/00259	:	
Int. Filing Date: 06 March 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 05 March 2004	:	
Attorney Docket No.: 1596-US	:	
For: AN INCLINATION MEASURING DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 20 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 while applicant previously provided payment of the full, U.S. Basic National fee, this payment was not made prior to the expiration of 30 months from the priority date. Applicant has presently filed a petition with statement explaining that the delay was unintentional; as such all of 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.

Applicant is advised that the declaration filed 20 September 2006, does not comply with 37 CFR 1.597(a)-(b) in that it contains two separate signature pages (page three) listing the inventors, each separately executed by said inventors. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signatures pages of the declaration. Either alternative renders the submitted declaration defective. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

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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HELLER EHRMAN LLP
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SAN DIEGO CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
SHIPLEY, Janet et al.	:	
Application No. 10/593,597	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. **39749-0004.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 July 08, 2008.

The request is **APPROVED**.

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

The request was signed by Leslie Overman on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JANET SHIPLEY**
MOLECULAR CYTOGENETICS
MALE UROLOGICAL CANCER RESEARCH CENTRE
THE INSTITUTE OF CANCER RESEARCH
15 COTSWOLD ROAD
SUTTON, SURRY
SM2 5NG UNITED KINGDOM

cc: **GOODWIN PROCTER LLP**
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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WASHINGTON DC 20005

MAIL

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TECHNOLOGY CENTER 2800

In re Application of HASHIMOTO, TAKASHI , et al. Application No. 10/593,598 Filed: September 21, 2006 Attorney Docket No. KAN-167NP	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 14, 2007, 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 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.

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.

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or 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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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Hiroki Yokoyama	: DECISION ON REQUEST FOR
Patent Number	: 7626264	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,602	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **591** 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

In re Application of	:	
Hakariya, Masashi et al	:	DECISION ON REQUEST TO
Application No. 10/593,635	:	PARTICIPATE IN PATENT
Filed: Sep. 21, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 129519	:	PILOT PROGRAM AND PETITION
For: CONTROL SYSTEM OF INTERNAL	:	TO MAKE SPECIAL UNDER
COMBUSTION ENGINE	:	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 Examiner John Kwon, Art Unit 3747 at 571-272-4846.

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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PO BOX 828
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In re
Berger, et al.
Application No. 10/593,678
Filed: September 21, 2006
Attorney Docket No. 15430-000006/US/NP

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed January 4, 2010.

The fee deficiency submission under 37 CFR 1.28 is hereby **accepted**.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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209 Madison Street
Suite 500
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TECHNOLOGY CENTER 2600

In re Application of YOSHIDA, MASAYOSHI, et al. Application No. 10/593,690 Filed: September 20, 2006 Attorney Docket No. 8048-1188	: : : : : : :	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 July 31, 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:

It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-511197 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO application 2004-082527 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and that for which priority is claimed.

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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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
YOSHIDA, MASAYOSHI, et al.	:	DECISION ON REQUEST TO
Application No. 10/593,690	:	PARTICIPATE IN PATENT
Filed: September 20, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. **8048-1188**	:	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 July 31, 2008 and December 12, 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.

Best Available Copy

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Artema c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Mats Cardell	: DECISION ON REQUEST FOR
Patent Number	: 7594894	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,702	: 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 **287** 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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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: JunXiang Ge	: DECISION ON REQUEST FOR
Patent Number	: 7598921	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,714	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **575** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Hai Lin	: DECISION ON REQUEST FOR
Patent Number	: 7606356	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: 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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MERCK AND CO., INC.
Patent Department, RY60-30
P. O. BOX 2000
126 East Lincoln Avenue
RAHWAY NJ 07065-0970

18 OCT 2006

In re Application of	:	
Burkamp et al.	:	
Application No.: 10/593,766	:	DECISION
PCT No.: PCT/GB05/00548	:	
Int. Filing Date: 16 February 2005	:	ON
Earliest Priority Date: 20 February 2004	:	
Attorney Docket No.: T1655P	:	PETITION
For: Prodrugs Of Substituted Amino	:	
Heterobicycles Which Modulate The Function	:	
Of The Vanilloid-1 Receptor (VR1)	:	

The petition to revive under 37 CFR 1.137(b) filed 22 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.

The $130.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 13-2755, as authorized by the "Communication Submitted With Petition..." filed on 22 September 2006.

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 **22 September 2006**.

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

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Endo et al.	:	DECISION ON PETITION
Application No. 10/593,769	:	TO WITHDRAW
Filed: September 22, 2006	:	FROM RECORD
Attorney Docket No. 566.46566X00	:	

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 21, 2010.

The request is **APPROVED**.

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

The request was signed by Paul J. Skwierawski on behalf of all attorneys of record who are associated with customer No. 020457.

All attorneys/agents associated with the Customer Number 020457 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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/28/2010

Applicant	: Fred Kappertz	: DECISION ON REQUEST FOR
Patent Number	: 7650796	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/593,782	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **126** 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, NW
Suite 700
Washington, DC 20005

28 NOV 2006

In re Application of	:	
ROBINSON, Douglas H.	:	
Application No.: 10/593,800	:	
PCT No.: PCT/US05/08920	:	DECISION
Int. Filing Date: 17 March 2005	:	
Priority Date: 17 March 2004	:	ON PETITION UNDER
Docket No.: 13355/10901	:	
For: MULTICELLULAR ORGANISMS DERIVED FROM NORMAL/NONDISEASED AND DISEASED MAMMALIAN TISSUES	:	37 CFR 1.137(b)

Applicants' "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b)," filed in the above-captioned application on 21 September 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. 11-0600,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

2 6 JUN 2008

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Gregory P. Einhorn
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040

In re Application of	:	
Barton, et al.	:	
Application No.: 10/593,846	:	
PCT No.: PCT/US2005/009927	:	
Int. Filing Date: 24 March 2005	:	
Priority Date: 24 March 2004	:	DECISION
Attorney's Docket No.: 564462006801	:	
For: CHIMERIC CANNULAE PROTEINS,	:	
NUCLEIC ACIDS ENCODING THEM AND	:	
METHODS FOR MAKING AND USING THEM	:	

This is in response to applicant's request to refund $3,055, filed 16 January 2008. Applicant urges that the extra claim fees were charged in error.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/US2005/009927 which claimed priority to United States provisional applications, the earliest of which was filed 24 March 2004. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 24 September 2006.

On 21 September 2006, applicant filed a transmittal letter including, *inter alia*, authorization to charge the deposit account the $150 which included the basic national fee, along authorization to charge applicant's deposit account #03-1952 any additional fees that may be required. These papers were assigned U.S. application number 10/593,846.

On 28 September 2006, the United States Patent and Trademark Office charged applicant's deposit account the basic national fee of $150. On 26 December 2007, the United States Patent and Trademark Office charged applicant's deposit account an additional $3,055 including the search fee, examination fee, fee for multiple dependent claims, extra page fee and additional claim fees.

On 16 January 2008, applicant filed the current request for refund indicating that the fees charged on 26 December 2007 were charged in error.

DISCUSSION

As indicated above, the transmittal letter (Form PTO-1390) included a general authorization to charge "any additional fees that may be required." The fees for the search examination, extra page fees for pages presented in excess of 100, and extra claims for claims presented in excess of 20 are all required fees. See MPEP 607 and 1893.01(c). The payment of required fees cannot reasonably be deemed a mistake.

Applicant's assertion that the "box was checked in error by a secretary who was training to file National Stage applications, and did not understand that this box was not to be checked when a National Stage application is being filed while paying only the Basic Fee" is not persuasive since the practitioner is responsible for reviewing papers which bear his signature.

CONCLUSION

For the above reasons, the request for refund 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 action.

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.

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280
Facsimile: (571) 273-0419

1 9 FEB 2008

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of LOCKYER, Peter (deceased) Application No.: 10/593,852 PCT No.: PCT/GB05/50042 Int. Filing Date: 23 March 2005 Priority Date: 23 March 2004 Attorney Docket No.: MKC-009 For: METHODS FOR DETECTING CALCIUM ION INFLUX	: : : : : : :	DECISION ON PETITION

This decision is issued in response to the declaration submitted on 10 September 2007 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 23 March 2005, applicants filed international application PCT/GB05/50042, which claimed a priority date of 23 March 2004. 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, 23 September 2006.

On 22 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 preliminary amendment; a copy of the international application.

On 10 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 oath or declaration executed by the inventor and an English translation of the international application was required. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond. The notification set a TWO (2) MONTH period for response.

On 10 September 2007, applicants filed a declaration executed by Julie Lockyer on behalf of deceased inventor Peter Lockyer.

DISCUSSION

A. Sequence Listing

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 10 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. Applicants state 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) mailed 10 May 2007 is vacated in part.

B. Petition under 37 CFR 1.42

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

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

The declaration filed 10 September 2007 is executed by Julie Lockyer as the "executrix" of Peter Lockyer and provides her residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Paolo Colombo	: DECISION ON REQUEST FOR
Patent Number	: 7625865	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,861	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Bernd Möller	: DECISION ON REQUEST FOR
Patent Number	: 7600921	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,862	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **356** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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06 SEP 2007

BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

In re Application of	:	
TACHBANA, Masayoshi	:	
Application No.: 10/593,880	:	DECISION ON
PCT No.: PCT/JP2005/05410	:	
Int. Filing Date: 24 March 2005	:	REQUEST
Priority Date: 25 March 2004	:	
Attorney's Docket No.: 782 234	:	UNDER 37 CFR 1.42
For: METHOD OF DETECTING ... FOR	:	
AMYLOID-RELATED	:	

This is a decision is in response to applicants submission of a declaration indicating that inventor Masayoshi Tachibana is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/JP2005/05410, claiming a priority date of 25 March 2004. The deadline for entry into the national stage in the United States was 24 September 2006.

On 21 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 22 December 2006, applicants submitted a declaration of the inventors, with an indication that a joint inventor was deceased and the surcharge for late filing of the search fee, examination fee or the oath or declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventors and their citizenships and the legal representatives and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

CONCLUSION

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

The application has a date of 22 December 2006 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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17 SEP 2008

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In re Application of	:	
DEGANI, et al.	:	
U.S. Application No.: 10/593,887	:	DECISION ON PETITIONS
PCT No.: PCT/IB05/01252	:	
Int. Filing Date: 08 April 2005	:	UNDER 37 CFR 1.181
Priority Date: 08 April 2004	:	
Attorney Docket No.: 7040-NO6-075US	:	AND 37 CFR 1.137(b)
For: THREE TIME POINT LUNG CANCER DETECTION, DIAGNOSIS AND ASSESSMENT OF PROGNOSIS	:	

This decision is in response to applicant's petition to withdraw the holding of abandonment filed 06 August 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 08 April 2005, applicant filed international application PCT/IB05/01252 which claimed priority of an earlier application filed 08 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 20 October 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, 08 October 2006.

On 21 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).

On 20 June 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 10 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 20 June 2007 within the time period set therein and that above-identified application was abandoned as to the United States.

On 06 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. However, applicant has not included a copy of the relevant docket record, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received nor provided a statement describing the firm's docketing system. As such, it is not possible to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.

II. Petition Under 37 CFR 1.137(b)

Applicant has asked that in the alternative the petition be considered under 37 CFR 1.137(b).

The petition to revive under 37 CFR 1.137(b) 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 an executed declaration of the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a

review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied. As authorized, the small entity petition fee will be charged to deposit account number 50-0601.

CONCLUSION

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

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

The application has an international filing date of 08 April 2005 under 35 U.S.C. 363 and will be given a date of **06 August 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.

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2 3 SEP 2008

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In re Application of SUN et al	:	
U.S. Application No.: 10/593,908	:	
PCT Application No.: PCT/CN2005/000387	:	
Int. Filing Date: 28 March 2005	:	DECISION
Priority Date Claimed: 26 March 2004	:	
Attorney Docket No.: 514572002800	:	
For: METHODS AND BIOCHIPS FOR	:	
DETECTING SMALL MOLECULE COMPOUNDS	:	

This is in response to the correspondence filed 06 September 2007, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 28 March 2005, applicant filed international application PCT/CN2005/000387, which claimed priority of an earlier China application filed 26 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 September 2006.

On 22 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 June 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 06 September 2007, applicant filed an executed declaration along with the present petition under 37 CFR 1.497(d).

DISCUSSION

The present petition requests that Yuan Chen be removed as an inventor and that Yuan Lu be added 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 from Yuan Chen has not been provided.

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account No. 03-1952.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, the petition fails to affirmatively state that the application has not been assigned by any of the original named inventors, and it is presumed that no assignee exists.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) 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).

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

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In re Application of SUN et al	:	
U.S. Application No.: 10/593,908	:	
PCT Application No.: PCT/CN2005/000387	:	
Int. Filing Date: 28 March 2005	:	DECISION
Priority Date Claimed: 26 March 2004	:	
Attorney Docket No.: 514572002800	:	
For: METHODS AND BIOCHIPS FOR	:	
DETECTING SMALL MOLECULE COMPOUNDS	:	

This is in response to the "Request for Reconsideration of Decision and Statement Pursuant to MPEP §1893.01(e)" filed 12 November 2008, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 28 March 2005, applicant filed international application PCT/CN2005/000387, which claimed priority of an earlier China application filed 26 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 September 2006.

On 22 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 June 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 06 September 2007, applicant filed an executed declaration along with a petition under 37 CFR 1.497(d).

On 23 September 2008, this Office mailed a decision dismissing the 06 September 2007 petition.

On 12 November 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The present petition states that there has been no change in inventorship and that the discrepancy with respect to the surname of the sixth inventor was due to an inadvertent typographical error in the international phase. Applicant's explanation for the error is accepted.

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 28 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 September 2007.

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

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In re Application of	:	
BOYD et al.	:	
U.S. Application No. 10/593,910	:	DECISION ON PETITION TO
PCT No.: PCT/US05/09970	:	REVIVE ABANDONED
Int. Filing Date: 23 March 2005	:	APPLICATION UNDER 37 CFR
Priority Date: 24 March 2004	:	1.137(b) AND PETITION UNDER
Attorney Docket No.: AV 34	:	37 CFR 1.497(d) TO CORRECT
For: THIAZOLIUMS AS TRANSKETOLASE INHIBITORS	:	INVENTORSHIP

This decision is issued in response to the Petition For Revival under 37 CFR 1.137(b) and the request for correction of inventorship under 37 CFR 1.497(d) filed 15 December 2008.

BACKGROUND

On 23 March 2005, applicants filed international application PCT/US05/09970 which claimed a priority date of 24 March 2004. The published international application identified one applicant/inventor, Steven Boyd. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 24 September 2006.

On 22 September 2006, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 10 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 10 June 2008, applicant filed a declaration executed by: Steven A. Boyd; Kevin R. Condroski; Jason De Meese; Stephen S. Gonzales; Indrani W. Gunawardana; Tomas Kaplan; Yvan Le Huerou; Joseph Lyssikatos; Todd T. Rumoff; Francis X. Sullivan; and Allen Thomas.

On 14 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the declaration named inventors not identified on the international application.

On 15 December 2008, applicants filed a Petition to Revive Abandoned Application under 37 CFR 1.137(b) and Petition under 37 CFR 1.497(d) to Correct Inventorship.

DISCUSSION

Applicants request to add Kevin R. Condroski; Jason De Meese; Stephen S. Gonzales; Indrani W. Gunawardana; Tomas Kaplan; Yvan Le Huerou; Joseph Lyssikatos; Todd T. Rumoff; Francis X. Sullivan; and Allen Thomas as an applicants/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a request under 37 CFR 1.497(d) or a showing that a 92bis change was made prior to the National stage filing is required. In the instant case, a Notification of the Recording of a Change (Form PCT/IB/306) has been forwarded by the International Bureau indicating that Kevin R. Condroski; Jason De Meese; Stephen S. Gonzales; Indrani W. Gunawardana; Tomas Kaplan; Yvan Le Huerou; Joseph Lyssikatos; Todd T. Rumoff; Francis X. Sullivan; and Allen Thomas have been added as an applicants/inventors prior to entering into the national stage in the United States of America.

Therefore, the declaration submitted on 10 June 2008 executed by: Steven A. Boyd; Kevin R. Condroski; Jason De Meese; Stephen S. Gonzales; Indrani W. Gunawardana; Tomas Kaplan; Yvan Le Huerou; Joseph Lyssikatos; Todd T. Rumoff; Francis X. Sullivan; and Allen Thomas is accepted.

In view of the above, the Notification of Defective Response (Form PCT/DO/EO/916) dated 14 October 2008 is hereby **VACATED** and the abandonment has been withdrawn.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** as moot. Additionally, the Petition For Revival under 37 CFR 1.137(b) is **DISMISSED** as moot.

The petition fee(s) submitted on 15 December 2008 have been refunded to counsel's Deposit Account no. 04-0838.

In view of the declaration filed 10 June 2008, the Notification of Defective Response (Form PCT/DO/EO/916) dated 14 October 2008 is hereby **VACATED** and the abandonment has been withdrawn.

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

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06 DEC 2006

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In re Application of	:	DECISION ON
PELLERIN, Dan	:	
Application No.: 10/593,921	:	
PCT No.: PCT/US2004/003510	:	
Int. Filing Date: 06 February 2004	:	PETITION UNDER
Priority Date: 07 February 2003	:	
Attorney's Docket No.: 60744-061	:	
For: OPTICALLY ENCODED PARTICLES WITH	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 22 September 2006.

BACKGROUND

On 06 February 2004, this international application was filed, claiming an earliest priority date of 07 February 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 7 August 2005. This international application became abandoned with respect to the United States at midnight on 7 August 2005 for failure to pay the required basic national fee.

On 22 September 2006, applicant filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee 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.

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In re Application of GARCIA COLLAZO et al	:	
U.S. Application No.: 10/593,928	:	
PCT Application No.: PCT/EP2005/003033	:	DECISION
Int. Filing Date: 22 March 2005	:	
Priority Date Claimed: 22 March 2004	:	
Attorney Docket No.: 102900-102	:	
For: THYROID RECEPTOR AGONISTS	:	

This is in response to applicant's "Response to Notification of Defective Response" filed 18 October 2007, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/EP2005/003033, which claimed priority of an earlier United Kingdom application filed 22 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 22 September 2006.

On 21 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 18 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 01 June 2007, applicant filed an executed declaration.

On 27 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 01 June 2007 is improper.

On 18 October 2007, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The response states that the surname of the second inventor has changed from Eriksson to Norin.

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the 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 the present case, the requisite petition fee will be charged to Deposit Account No. 23-1665 as authorized by applicant. However, the requisite statement or copy of the court order has not been furnished.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 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 1.182". No additional petition fee is required.

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

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In re Application of GARCIA COLLAZO et al	:	
U.S. Application No.: 10/593,928	:	
PCT Application No.: PCT/EP2005/003033	:	DECISION
Int. Filing Date: 22 March 2005	:	
Priority Date Claimed: 22 March 2004	:	
Attorney Docket No.: 102900-102	:	
For: THYROID RECEPTOR AGONISTS	:	

This is in response to applicant's "Renewed Petition under 37 CFR 1.182" filed 28 February 2008.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/EP2005/003033, which claimed priority of an earlier United Kingdom application filed 22 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 22 September 2006.

On 21 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 18 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 01 June 2007, applicant filed an executed declaration.

On 27 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 01 June 2007 is improper.

On 18 October 2007, applicant filed a petition under 37 CFR 1.182.

On 19 December 2007, this Office mailed a decision dismissing the 18 October 2007 petition.

On 28 February 2008, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the 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 the present case, the requisite petition fee has been provided. Furthermore, the petition contains the required statement from the inventor whose name has changed due to marriage. However, the inventor's new legal name "Anders Thomas Wilson Norin" as indicated in the statement does not match the name ("Thomas Anders Wilson Norin") listed in the executed declaration. Additionally, a review of the executed declaration reveals that the declaration is an improper composite document. More particularly, the declaration consists of one each of pages 1, 2, and 4 and three of page 3. It is not acceptable to combine pages from different copies of a declaration into a single document. Applicant must submit either: a single complete declaration which is presented to and executed by each of the inventors or (2) multiple complete declarations, wherein each of the inventors executes at least one of the multiple complete declarations.

CONCLUSION

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

The application is being forwarded to the DO/EO/US for preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that applicant must submit a single complete declaration or multiple complete declarations as described above, wherein the legal name of the second inventor is properly indicated in the declaration(s).

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Mail Date: 04/23/2010

Applicant	: Min Zhao	: DECISION ON REQUEST FOR
Patent Number	: 7668113	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/593,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **613** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Eberhard Witschas :
Application No. 10/593,937 : DECISION ON PETITION
Filed: September 22, 2006 :
Attorney Docket No. HM-743PCT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 27, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 29, 2008.

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

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

This application is being referred to Technology Center AU 3725 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

17 MAR 2008

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RANBAXY INC.
600 COLLEGE ROAD EAST
SUITE 2100
PRINCETON NJ 08540

In re Application of	:	
CHUGH et al.	:	
Application No.: 10/593,939	:	DECISION
PCT No.: PCT/IB2004/000866	:	
Int. Filing Date: 23 March 2004	:	
Priority Date: 22 March 2004	:	
Attorney's Docket No.: RLL-459US	:	
For: COMBINATION THERAPY	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(b)" filed in the United States Patent and Trademark Office (USPTO) on 25 February 2008.

BACKGROUND

On 23 March 2004, applicant filed international application PCT/IB2004/000866, which designated the United States and claimed a priority date of 22 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2006.

On 22 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 10 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 25 February 2008, applicants submitted the instant "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(b)" 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 25 February 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**.

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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20 JUL 2007

Robert D. Buyan
Stout, Uxa, Buyan & Mullins LLP
4 Venture, Suite 300
Irvine, CA 92618

In re Application of	:	DECISION ON
Civelli et al	:	
Application No.: 10/593,941	:	
PCT No.: PCT/US05/009527	:	
Int. Filing Date: 23 March 2005	:	PETITION UNDER
Priority Date: 23 March 2004	:	
Attorney's Docket No.: UCIVN-068	:	
For: Melanin-Concentrating Hormone Receptor	:	
Antagonists and Methods of Use	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of Application For Patent Unintentionally Abandoned Under 37 CFR 1.137(b)," filed on 25 June 2007.

BACKGROUND

On 23 March 2005, this international application was filed, claiming an earliest priority date of 23 March 2004.

On 22 September 2006, applicants filed the Transmittal letter for entry into the national stage in the United States. However, the basic national fee was not provided at such time.

On 20 April 2007, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant failed to provide the full U.S. Basic National Fee by 30 months.

On 25 June 2007, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, an executed declaration and the petition fee for revival of an unintentionally abandoned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

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

6

DATE 9/4/07 APPLICATION NUMBER 10/593,943

DOC CODE Pet Dec. OSPE DOC DATE 9/6/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN 16 WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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0 6 SEP 2007

STEVEN D. BOYD
ARKEMA INC.
PATENT DEPARTMENT - 26TH FLOOR
2000 MARKET STREET
PHILADELPHIA PA 19103-3222

In re Application of: CARON, Laurent, et al. U.S. Application No.: 10/593,943 PCT No.: PCT/FR2005/000582 International Filing Date: 11 March 2005 Priority Date: 06 April 2004 Atty Docket No.: FR-AM 2025 NP For: COMPOSITION COMPRISING TRANS 1,2-DICHLOROETHYLENE	DECISION ON REQUEST FOR EXPRESS ABANDONMENT

This decision is issued in response to the request for "Express Abandonment" filed 30 October 2006 and the correspondence filed 16 February 2007 requesting that the request for "Express Abandonment" be ruled ineffective. No petition fee is required.

BACKGROUND

On 11 March 2005, applicants filed international application PCT/FR2005/000582. The international application claimed a priority date of 06 April 2004, and it designated the United States. On 17 November 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., 06 October 2006.

On 22 September 2006, above-named counsel filed a Transmittal Letter for entry into the national stage in the United States for PCT/FR2005/000582, accompanied by, among other materials, the authorization to charge Deposit Account No. 01-2717 for $900 in fees (including the $300 basic national fee), a preliminary amendment, a purported translation of the international application into English, and an unexecuted declaration and power of attorney. The Transmittal Letter indicated that it was a "First" submission under 35 U.S.C. 371(c). The application was assigned U.S. application number 10/593,943.

On 06 October 2006, above-named counsel filed a second Transmittal Letter requesting entry into the national stage in the United States for PCT/FR2005/000582, accompanied by, among other materials, an authorization to charge Deposit Account No. 01-2717 $900 in fees (including the $300 basic national fee), a preliminary amendment, a second translation of the international application into English, and an unexecuted declaration and power of attorney. The 06 October 2006 submission, like the materials previously filed on 22 September 2006, indicated

that it was a "First" submission under 35 U.S.C. 371(c). The materials filed 06 October 2006 were therefore tentatively assigned a separate U.S. application number, 11/547,830.

There can only be a single U.S. national stage application with respect to a given international application and, based on counsel's 22 September 2006 filing, the present U.S. application (10/593,943) had been initiated as the U.S. national stage of PCT/FR2005/000582. Accordingly, the materials filed 06 October 2006, directed as they were to the U.S. national stage of PCT/FR2005/000582, have been placed in the present application file. The duplicative fees charged with respect to applicants' 06 October 2006 submission have been refunded to Deposit Account No. 01-2717, and the U.S. application number tentatively assigned to such materials (11/547,830) has been assigned to a separate, unrelated application. No further correspondence with respect to the present application should be directed to U.S. application number 11/547,830.

On 30 October 2006, above-named counsel filed the "Express Abandonment" considered herein, requesting express abandonment of the present application under 37 CFR 1.138.

On 07 November 2006, the USPTO mailed a "Notice Of Abandonment" acknowledging the letter of Express Abandonment.

On 16 February 2007, above-named counsel filed herein correspondence which included a request to treat the "Express Abandonment" as ineffective. The correspondence included a copy of the English translation and preliminary amendment filed 06 October 2006, and a statement that such translation should replace the English translation filed 22 September 2006 (which was subsequently found to contain defects).[1]

DISCUSSION

Pursuant to 37 CFR 1.138(b), an attorney signing a request for express abandonment must be the appointed attorney of record. See MPEP section 711.01: "The applicant (acquiesced in by an assignee of record), or the attorney/agent of record, if any, can sign an express abandonment."

As noted above, the present application does not include an executed Power of Attorney or declaration appointing above-named counsel as attorney of record; rather, the papers filed herein were submitted by counsel in a representative capacity under 37 CFR 1.34. As set forth in MPEP section 402, "a person acting in a representative capacity may not sign ... a request for express abandonment without filing a continuation application" (no such continuation application has been filed here).

Based on the above, the request for express abandonment filed by above-named counsel on 30 October 2006 is not effective under 37 CFR 1.138(b). The "Notice of Abandonment" mailed 07 November 2006, based as it was on the ineffective request for express abandonment, is appropriately vacated.

---

[1] A review of the English translation filed 22 September 2006 reveals at least one apparent defect: the published international application included five claims, while the English translation filed 22 September 2006 included only four claims. The revised translation filed 06 October 2006 contains five claims.

CONCLUSION

For the reasons discussed above, the request for express abandonment of the present application filed 30 October 2006 is **DISMISSED** as ineffective (as requested by above-named counsel in the correspondence submitted 16 February 2007).

The "Notice of Abandonment" mailed 07 November 2006 is hereby **VACATED**.

The materials filed on 06 October 2006 and tentatively assigned a separate U.S. application number (11/547,830) have been placed in the present application file, and the duplicative fees submitted on such date have been refunded.

The present application, 10/593,943, is the U.S. national stage of PCT/FR2005/000582, filed 11 March 2005.

No further correspondence with respect to the present application should be directed to U.S. application number 11/547,830.

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 dated under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 October 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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06 SEP 2007

STEVEN D. BOYD
ARKEMA INC.
PATENT DEPARTMENT - 26TH FLOOR
2000 MARKET STREET
PHILADELPHIA PA 19103-3222

In re Application of: CARON, Laurent U.S. Application No.: 10/593,945 PCT No.: PCT/FR2005/000629 International Filing Date: 16 March 2005 Priority Date: 06 April 2004 Atty Docket No.: FR-AM 2024 NP For: NON-FLAMMABLE COMPOSITION AND USE THEREOF	DECISION ON REQUEST FOR EXPRESS ABANDONMENT

This decision is issued in response to the request for "Express Abandonment" filed 30 October 2006 and the correspondence filed 16 February 2007 requesting that the request for "Express Abandonment" be ruled ineffective. No petition fee is required.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/FR2005/000629. The international application claimed a priority date of 06 April 2004, and it designated the United States. On 17 November 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., 06 October 2006.

On 22 September 2006, above-named counsel filed a Transmittal Letter for entry into the national stage in the United States for PCT/FR2005/000629, accompanied by, among other materials, the authorization to charge Deposit Account No. 01-2717 for $900 in fees (including the $300 basic national fee), a preliminary amendment, a purported translation of the international application into English, and an unexecuted declaration and power of attorney. The Transmittal Letter indicated that it was a "First" submission under 35 U.S.C. 371(c). The application was assigned U.S. application number 10/593,945.

On 06 October 2006, above-named counsel filed a second Transmittal Letter requesting entry into the national stage in the United States for PCT/FR2005/000629, accompanied by, among other materials, an authorization to charge Deposit Account No. 01-2717 $900 in fees (including the $300 basic national fee), a preliminary amendment, a second translation of the international application into English, and an unexecuted declaration and power of attorney. The 06 October 2006 submission, like the materials previously filed on 22 September 2006, indicated

that it was a "First" submission under 35 U.S.C. 371(c). The materials filed 06 October 2006 were therefore tentatively assigned a separate U.S. application number, 11/547,829.

There can only be a single U.S. national stage application with respect to a given international application and, based on counsel's 22 September 2006 filing, the present U.S. application (10/593,945) had been initiated as the U.S. national stage of PCT/FR2005/000629. Accordingly, the materials filed 06 October 2006, directed as they were to the U.S. national stage of PCT/FR2005/000629, have been placed in the present application file. The duplicative fees charged with respect to applicants' 06 October 2006 submission have been refunded to Deposit Account No. 01-2717, and the U.S. application number tentatively assigned to such materials (11/547,829) has been assigned to a separate, unrelated application. No further correspondence with respect to the present application should be directed to U.S. application number 11/547,829.

On 30 October 2006, above-named counsel filed the "Express Abandonment" considered herein, requesting express abandonment of the present application under 37 CFR 1.138.

On 07 November 2006, the USPTO mailed a "Notice Of Abandonment" acknowledging the letter of Express Abandonment.

On 16 February 2007, above-named counsel filed herein correspondence which included a request to treat the "Express Abandonment" as ineffective. The correspondence included a copy of the English translation and preliminary amendment filed 06 October 2006, and a statement that such translation should replace the English translation filed 22 September 2006 (which was subsequently found to contain defects).[1]

DISCUSSION

Pursuant to 37 CFR 1.138(b), an attorney signing a request for express abandonment must be the appointed attorney of record. See MPEP section 711.01: "The applicant (acquiesced in by an assignee of record), or the attorney/agent of record, if any, can sign an express abandonment."

As noted above, the present application does not include an executed Power of Attorney or declaration appointing above-named counsel as attorney of record; rather, the papers filed herein were submitted by counsel in a representative capacity under 37 CFR 1.34. As set forth in MPEP section 402, "a person acting in a representative capacity may not sign ... a request for express abandonment without filing a continuation application" (no such continuation application has been filed here).

Based on the above, the request for express abandonment filed by above-named counsel on 30 October 2006 is not effective under 37 CFR 1.138(b). The "Notice of Abandonment" mailed 07 November 2006, based as it was on the ineffective request for express abandonment, is appropriately vacated.

---

[1] A review of the English translation filed 22 September 2006 reveals at least one apparent defect: the published international application included nine claims, while the English translation filed 22 September 2006 included only eight claims. The revised translation filed 06 October 2006 contains nine claims.

CONCLUSION

For the reasons discussed above, the request for express abandonment of the present application filed 30 October 2006 is **DISMISSED** as ineffective (as requested by above-named counsel in the correspondence submitted 16 February 2007).

The "Notice of Abandonment" mailed 07 November 2006 is hereby **VACATED**.

The materials filed on 06 October 2006 and tentatively assigned a separate U.S. application number (11/547,829) have been placed in the present application file, and the duplicative fees submitted on such date have been refunded.

The present application, 10/593,945, is the U.S. national stage of PCT/FR2005/000629, filed 16 March 2005.

No further correspondence with respect to the present application should be directed to U.S. application number 11/547,829.

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 06 October 2006.

Richard M. Ross
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 20 2009

OFFICE OF PETITIONS

Applicant: Luukas
Appl. No.: 10/593,970
International Filing Date: February 28, 2005
Title: COMPOSITION COMPRISING A MONOMER COMPOUND EXHIBITING AN OPTICAL PROPERTY, METHOD MAKING USE OF SAID COMPOSITION, A MONOMER COMPOUND AND A POLYMER CONTAINING SAID MONOMER COMPOUND AND THE USE THEREOF
Attorney Docket No.: 05725.1602
Pub. No.: US 2008/0226581A1
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 November 17, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification as part of page 30 is inserted in the wrong section. The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

DATE (17 Sep 07)

APPLICATION NUMBER 10/593986

DOC CODE Pet Dec

DOC DATE 9-17/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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17 SEP 2007

KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of	:	
Theis et al.	:	
Application No.: 10/593,986	:	
PCT No.: PCT/EP05/03080	:	
Int. Filing Date: 23 March 2005	:	DECISION
Priority Date: 27 March 2004	:	
Attorney Docket No.: UMICORE 0175-US	:	
For: Nitrogen Oxide Storage Material And Nitrogen Oxide Storage Catalyst Produced Therefrom	:	

This is in response to the correspondence filed on 28 August 2007.

DISCUSSION

This international application was filed on 23 March 2005 and claimed a priority date of 27 March 2004. The United States was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 06 October 2005. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 September 2006. On 25 September 2006, applicants filed *inter alia* the basic national fee.

On 01 June 2006, 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 a surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration of the inventors filed on 28 August 2007 reveals that it nominates "Juliane KLUGE" in place of "THEIS, Juliane" who was named in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite $400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity. Such a petition should include, if appropriate, a statement by the inventor and any other individual(s) having first-hand knowledge of the specific circumstances concerning how and when the error was made and discovered, and must also state (if appropriate) that the error was inadvertent and made without deceptive intent. *See* MPEP § 605.04(b) and MPEP § 201.03(b). Alternatively, petitioner may wish to seek relief under 37 CFR 1.497(d) in the event that the inventive entity is sought to be changed.

It is noted that the declaration document filed on 28 August 2007 is defective for the further reason that it includes un-initialed alterations to the "Residence Address" information pertaining to Markus KOGEL.

CONCLUSION

The declaration filed on 28 August 2007 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR

1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application 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

2 7 MAR 2008

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KALOW & SPRINGUT LLP
488 MADISON AVENUE
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NEW YORK NY 10022

In re Application of	:	
Kluge et al.	:	
Application No.: 10/593,986	:	
PCT No.: PCT/EP05/03080	:	
Int. Filing Date: 23 March 2005	:	DECISION
Priority Date: 27 March 2004	:	
Attorney Docket No.: UMICORE 0175-US	:	
For: Nitrogen Oxide Storage Material And Nitrogen Oxide Storage Catalyst Produced Therefrom	:	

This is in response to the petition under 37 CFR 1.182 filed on 19 March 2008.

DISCUSSION

In a Decision mailed on 17 September 2007, the declaration filed on 28 August 2007 was not accepted, without prejudice, because

> it nominates "Juliane KLUGE" in place of "THEIS, Juliane" who was named in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite $400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity. Such a petition should include, if appropriate, a statement by the inventor and any other individual(s) having first-hand knowledge of the specific circumstances concerning how and when the error was made and discovered, and must also state (if appropriate) that the error was inadvertent and made without deceptive intent. *See* MPEP § 605.04(b) and MPEP § 201.03(b). Alternatively, petitioner may wish to seek relief under 37 CFR 1.497(d) in the event that the inventive entity is sought to be changed.
>
> It is noted that the declaration document filed on 28 August 2007 is defective for the further reason that it includes un-initialed alterations to the "Residence Address" information pertaining to Markus KOGEL.

In response, petitioner has provided a "Declaration of Juliane Kluge" in which Ms. Kluge explains her name change due to marriage. In view of her explanation, it would be appropriate to accept her name as Kluge on an acceptable declaration of inventorship.

Counsel's attention is respectfully drawn to MPEP 605.04(c), which indicates in part that "Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name... If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name."

The instant petition is accompanied by a new declaration of inventorship. Review of that declaration reveals that it names only inventors Kluge and Kogel, rather than the entire inventive entity. 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." The declaration filed on 19 March 2008 is defective in view of this policy, because it fails to nominate the entire inventive entity. In order for the petition to be granted, an acceptable declaration document is required.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

The $400.00 petition fee is being charged to Deposit Account no. 11-0171, as authorized by the petition.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application 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/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 9 SEP 2008

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KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of	:	
Kluge et al.	:	
Application No.: 10/593,986	:	
PCT No.: PCT/EP05/03080	:	
Int. Filing Date: 23 March 2005	:	DECISION
Priority Date: 27 March 2004	:	
Attorney Docket No.: UMICORE 0175-US	:	
For: Nitrogen Oxide Storage Material And Nitrogen Oxide Storage Catalyst Produced Therefrom	:	

This is in response to the "Request For Reconsideration Under 37 CFR 1.182" filed on 25 September 2008.

DISCUSSION

In a Decision mailed on 27 March 2008, it was indicated that

> ...petitioner has provided a "Declaration of Juliane Kluge" in which Ms. Kluge explains her name change due to marriage. In view of her explanation, it would be appropriate to accept her name as Kluge on an acceptable declaration of inventorship.
>
> The instant petition is accompanied by a new declaration of inventorship. Review of that declaration reveals that it names only inventors Kluge and Kogel, rather than the entire inventive entity. 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." The declaration filed on 19 March 2008 is defective in view of this policy, because it fails to nominate the entire inventive entity. In order for the petition to be granted, an acceptable declaration document is required.

In response, petitioner has filed *inter alia* a newly executed declaration which names and has been executed by the entire inventive entity. The name Juliane KLUGE is accepted in lieu of "THEIS, Juliane" nominated in the published international application for the reasons described in the Decision mailed on 27 March 2008. Therefore, the declaration filed on 25 September 2008 is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

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

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 September 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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KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of :
Juliane Kluge, et al :
Application No. 10/593,986 : ON PETITION
Filed: September 25, 2008 :
Attorney Docket No. UMICORE 0175-US :

This is a decision on the petition, filed March 8, 2010, under 37 CFR 1.182 requesting the withdrawal of previously filed terminal disclaimer. The petition fee has been received.

The petition is dismissed.

Petitioner argues that the Terminal Disclaimer filed on August 17, 2009 in this application is not necessary since the features of claim 14 remain in the currently amended claims. Petitioner explains that in response to the Examiner's double patenting rejection of claims 1-11 as they relate to Patent No. 6,858,193, a Terminal Disclaimer was filed and the claims were amended to include the features of claim 14 "coating to an inert honeycomb made of ceramic or metal".

Petitioner's argument is not well taken. According to the examiner, double patenting would exist between the claims of this application and U.S. Patent 6,858,193 if the Terminal Disclaimer were withdrawn.

In view of the above, the request cannot be favorably considered.

The application is being referred to Technology Center Art Unit 1793 for further processing consistent with this decision.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

Mail Date: 07/06/2010

Applicant	: Ikuo Yamamoto	: DECISION ON REQUEST FOR
Patent Number	: 7638575	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/594,011	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **209** 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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24738
PHILLIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510-8001

In re Application of
GARCIA *et al*
U.S. Application No.: 10/594,015
PCT No.: PCT/IB2005/050974
Int. Filing Date: 22 March 2005
Priority Date: 23 March 2004
Docket No.: GB04 00067 US1
For: AUDIOVISUAL DISPLAY APPARATUS AND METHOD

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 May 2008 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b)[1] was submitted. The proper fees and the petition fee have been charged to Deposit Account No. 50-4019 as authorized. Applicants made 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 United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] Changes to the address and residence of joint inventor Gorka Garcia were initialized by Mr. Garcia on the declaration.

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07 AUG 2009

NXP, B.V.
NXP Intellectual Property & Licensing
M/S41-SJ
1109 Mckay Drive
San Jose, CA 95131

In re Application of	:	
BELLERS et al.	:	
Application No.: 10/594,022	:	DECISION ON PETITION
PCT No.: PCT/IB2005/051004	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 23 March 2005	:	
Priority Date: 24 March 2004	:	
Attorney Docket No.: US04 0157 US2	:	
For: MULTIPLE DESCRIPTION CODING VIDEO TRANSMISSION USING DE-INTERLACING MECHANISMS		

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 15 July 2009 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 12 July 2007, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 12 September 2007.

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). Items (2) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). The declaration filed on 15 July 2009 is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The second inventor, Mihaela Van Der Schaar, has not initialed and

dated the corrections made to his/her mailing address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)). Therefore, a newly executed declaration of the inventor (Mihaela Van Der Schaar) is required. Applicants have not satisfied item (1) above.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

Anthony S

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

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0 4 SEP 2009

NXP, B.V.
NXP Intellectual Property & Licensing
M/S41-SJ
1109 Mckay Drive
San Jose, CA 95131

In re Application of	:	
BELLERS et al.	:	
Application No.: 10/594,022	:	DECISION ON PETITION
PCT No.: PCT/IB2005/051004	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 23 March 2005	:	
Priority Date: 24 March 2004	:	
Attorney Docket No.: US04 0157 US2	:	
For: MULTIPLE DESCRIPTION CODING VIDEO TRANSMISSION USING DE-INTERLACING MECHANISMS		

The petition to revive under 37 CFR 1.137(b) filed 17 August 2009 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 response (oath/declaration) 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 R

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

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OFFICE OF PETITIONS

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

In re Application of	:	
Nnochiri N. Ekwuribe et al	:	
Application No. 10/594,046	:	DECISION ON PETITION
Filed: September 25, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 014811-673.119US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 7, 2007 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation,

divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated.. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications.

The amendment is not proper because this application is a National Stage Entry under 35 USC 371 of International Patent Application No. PCT/US2005/009325 filed on March 22, 2005.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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JUL 25 2008

In re Application of	:	
Nnochiri N. Ekwuribe et al	:	
Application No. 10/594,046	:	DECISION ON PETITION
Filed: September 25, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 014811-673.119US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1614 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/594,046	09/25/2006	1614	4460	014811-673.119US	31	1

CONFIRMATION NO. 8968

CORRECTED FILING RECEIPT

24239
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

OC000000031182172

Date Mailed: 07/24/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nnochiri N. Ekwuribe, Cary, NC;
Rodger Liddle, Durham, NC;

Power of Attorney: The patent practitioners associated with Customer Number 24239

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/09325 03/22/2005
which claims benefit of 60/555,551 03/23/2004
This application 10/594,046
is a CIP of 11/144,093 06/03/2005 PAT 7,119,119
which is a CON of 10/444,668 05/23/2003 PAT 6,903,082
which is a DIV of 09/942,464 08/29/2001 PAT 6,583,128

Foreign Applications

If Required, Foreign Filing License Granted: 12/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/594,046**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Methods and compositions employing 4-aminophenylacetic acid compounds

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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RAHWAY NJ 07065-0907

In re Application of :
Bryan et al. :
Application No. 10/594,064 :
Filed: September 25, 2006 : ON APPLICATION FOR
Attorney Docket No. 21571P : PATENT TERM ADJUSTMENT
Title: OPTIMIZED EXPRESSION OF :
HPV 52 L1 IN YEAST :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)" filed October 19, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is five hundred twenty-three (523) days, not four hundred ninety-nine (499) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 13-2755. No additional fees are required.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the

computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

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13 SEP 2007

28986
Harriet M. Strimpel
NEW ENGLAND BIOLABS, INC.
240 County Road
Ipswich, MA 01938

In re Application of KONG *et al* U.S. Application No.: 10/594,095 PCT No.: PCT/US2005/009829 Int. Filing Date: 23 March 2005 Priority Date: 25 March 2004 Attorney Docket No.: BH-003-PUS For: HELICASE-DEPENDENT AMPLIFICATION OF CIRCULAR NUCLEIC ACIDS	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 August 20007 is hereby **GRANTED** as follows:

The petition fee of $750.00 was charged with the petition filed 17 August 2007. Applicants submitted authorization to charge the Basic National Fee and other required fees after a telephone call from the undersigned on 11 September 2007. The required statement pursuant to 37 CFR 1.137(b)(3) was provided. A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 11 September 2007. The $65.00 surcharge fee has been charged to Deposit Account No. 14-0740 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 March 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 2007. This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

6 AUG 2009

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

In re Application of	:	
Okubo et al.	:	
Application No.: 10/594,096	:	
PCT No.: PCT/JP2005/004680	:	
Int. Filing Date: 16 March 2005	:	DECISION
Priority Date: 31 March 2004	:	
Attorney Docket No.: 06660/HG	:	
For: Transparent Conductive Film, Method For Producing Transparent Conductive Film And Organic Electroluminescent Device	:	

This is in response to the correspondence filed on 10 June 2009.

BACKGROUND

This international application was filed on 16 March 2005, claimed an earlier priority date of 31 March 2004, and designated the U.S. The International Bureau transmitted 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 25 September 2006.

On 12 June 2008, 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 "09/25/2006."

DISCUSSION

Applicants request that an English translation filed on 10 June 2009 be substituted for the translation of record, filed on 25 September 2006. Applicants state that "submitted concomitantly herewith is a corrected English-language translation of the International Application as filed. Please substitute the enclosed English-language translation for the English-language translation of International Application PCT/JP2005/004680 as filed, which was submitted on September 25, 2006." Applicants further note that the "enclosed English-language translation includes portions not included in the English-language translation submitted on September 24, 2006 due to a clerical error." In view of applicants' characterization, the English translation filed on 25 September 2006 is regarded as having been defective. As such, it did not satisfy the translation requirement of 35 U.S.C. 371(c)(2). Accordingly, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 12 June 2008 is hereby **VACATED**.

The English translation of the international application (specifically, the specification, claims and abstract) filed on 10 June 2009 is being accepted in satisfaction of 35 U.S.C. 371(c)(2).

DECISION

Applicants' request is **GRANTED** to the extent noted above.

This application is being forwarded to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903). The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **10 June 2009**.

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

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ORGANON USA, INC.
c/o MERCK
2000 Galloping Hill Road
Mail Stop: K-6-1, 1990
Kenilworth NJ 07033

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OFFICE OF PETITIONS

In re Application of	:	
Hamersma et al.	:	
Application No. 10/594103	:	ON REQUEST FOR
Filing or 371(c) Date: 09/25/2006	:	RECONSIDERATION OF
Attorney Docket No.	:	PATENT TERM ADJUSTMENT
2004.833US	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(B), filed December 16, 2009. Applicants state that the correct patent term adjustment is 532 days, not 339 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The request is properly treated under 37 CFR 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

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

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

/ALESIA M. BROWN/

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

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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SUITE 1600
CHICAGO IL 60604

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OFFICE OF PETITIONS

In re Application of
Thomas, et al.
Application No. 10/594,106
Filed: July 24, 2007
Attorney Docket No. CU-5118 BWH

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned March 28, 2008 for failure to reply in a timely manner to the non-final Office action mailed, mailed December 27, 2007. The non-final Office action 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. This decision precedes Notice of Abandonment.

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 required petition fee, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2139 for appropriate action by the Examiner.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,127	09/25/2006	Akio Sugihara	Q97391	8975

65565 7590 12/10/2009
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER
RAHMANI, NILOOFAR

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	ELECTRONIC

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

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

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

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM

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DEC 1 0 2009

SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

In re Application of:	:
Sugihara et al.	:
Serial No.: 10/594,127	: PETITION DECISION
Filed: September 25, 2006	:
Attorney Docket No.: **Q97391**	:

This is in response to the petition filed October 22, 2009 under 37 CFR § 1.181, requesting that the finality of the Office action of August 25, 2009 be withdrawn.

BACKGROUND

The examiner mailed an Advisory Action on May 15, 2009. In this Advisory Action, the examiner indicated that the claim amendments filed after final Office action on April 16, 2009 would not be entered because they raised the issue of new matter (see box 3(b) of the Advisory Action form, PTOL-303).

On June 16, 2009, applicants filed a Request for Continued Examination (RCE) along with the appropriate fees. In this RCE, applicants specifically fulfilled the requirements of 37 C.F.R. § 1.114 (submission) and requested that the submission filed on April 16, 2009 be considered for examination.

On August 25, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply.

In response thereto, applicants filed this petition on October 22, 2009 under 37 CFR § 1.181, requesting that the finality of the Office action of August 25, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on October 22, 2009, applicants argue "it is improper to make the first Action after a RCE final where the Examiner previously refused to enter proposed claim amendments based on the assertion that the proposed amendment presented new matter. See MPEP § 706.07(b). In view of the Examiner's position, applicants filed an RCE and amended the claim language. Although the language in the present claims is slightly different from that in the Amendment filed April 16, 2009, which was not entered by the Examiner allegedly because the proposed amendment raised issues of new matter, the language is similar and the issue is the same."

A review of the prosecution history of this case clearly shows that the examiner refused entry of the amendments filed after final Office action for raising new matter as indicated by the Advisory Action form. It is pointed out that MPEP § 706.07(b) and MPEP § 706.07(h) (VIII) state:

> MPEP 706.07(h) (VIII) states:
> The action immediately subsequent to the filing of an RCE with a submission and fee under 37 CFR 1.114 may be made final only if the conditions set forth in MPEP 706.07(b) for making a first action final in a continuing application are met...
>
> MPEP 706.07(b), third paragraph states:
> However, it would not be proper to make final a first Office action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.

Hence, applicants' points are well-taken and found persuasive. It is decided that the final Office action mailed on August 25, 2009 was, in fact, premature and in error.

DECISION

The petition is **GRANTED.**

The Office action mailed August 25, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The amendment submitted November 24, 2009 in response to that action will be entered.

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

Remy Yucel
Director, Technology Center 1600

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OFFICE OF PETITIONS

MACMILLAN SOBANSKI & TODD LLC
ONE MARITIME PLAZA – FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

In re Application of
Angel Luis Andres Fernandez et al
Application No. 10/594,135
Filed: November 15, 2007
Attorney Docket No. 1-28402

ON PETITION

This is a decision on the petition filed November 16, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed August 11, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 12, 2009.

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

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Angel Luis Andres Fernandez	: DECISION ON REQUEST FOR
Patent Number	: 7664583	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,135	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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15 OCT 2007

Joseph G. Seeber, Esq.
P.O. Box 750
Great Falls, VA 22066

In re Application of	:	
Bela NADAS	:	
Application No.: 10/594,141	:	DECISION ON
PCT No.: PCT/HU2005/000031	:	
Int. Filing Date: 24 March 2005	:	PETITION
Priority Date: 25 March 2004	:	
Attorney's Docket No.: 84.1012	:	UNDER 37 CFR 1.181
For: DRIVING MECHANISM	:	

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," which is being treated as a petition under 37 CFR 1.181 requesting the removal of the holding of abandonment because the full U.S. Basic National Fee was timely authorized to be charged to petitioner's Deposit Account, and the account had sufficient funds to cover it.

BACKGROUND

On 24 March 2005, applicant filed international application PCT/HU2005/00031, which claimed priority of an earlier application filed 25 March 2004.

On 25 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, a request to charge $450.00, which included the basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 20 April 2007, the Office mailed a "NOTICE OF ABANDONMENT," which indicated that applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). There were insufficient funds to cover the $450.00 charge as requested by the applicant.

On 11 June 2007, applicant filed the instant petition under 37 CFR 1.181 requesting that the holding of abandonment mailed on April 20, 2007 be withdrawn because although there was insufficient funds in the deposit account to cover the $450.00 charge there was sufficient money in the account to pay the Basic National fee.

DISCUSSION

A review of the printouts for the Deposit Account No.: 19-1070 for the application and time in question reveal that there were sufficient funds at the time the USPTO charged the above application on 19 April 2007 for the U.S. Basic National Fee. The record shows that the opening balance on April, 2007 was $409.27 and the closing balance on April 30, 2007 was $384.26, which was sufficient for the Office to charge the basic national fee.

Consequently, the aforementioned application was improperly abandoned for failure to pay the full U.S. Basic National Fee by 30 months.

Applicant has been charged the basic national fee of $150.00 under 37 CFR 1.492(a) to Deposit Account No.: 19-1070.

CONCLUSION

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

The Notification of Abandonment (PCT/DO/EO/909) mailed 20 April 2007 was in error and is hereby **VACATED**.

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

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

2 5 JUN 2007

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TOM LEFFERT
LEFFERT, JAY & POLGLAZE, P.A.
150 SOUTH FIFTH STREET
SUITE 1900
MINNEAPOLIS MN 55402

In re Application of	:	DECISION ON REQUEST
YU, Jinzhang	:	
Application No.: 10/549,159	:	FOR WITHDRAWAL
Attorney's Docket No.: 2373.002US1	:	
For: GENE THERAPY	:	AS ATTORNEY

This is in response to "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 February 2007. Janal Kalis has requested that he and the attorneys/agents associated with Customer Number 21186 be withdrawn as attorneys or agents of record. No fee is required.

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> The Commissioner of Patents and Trademarks 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.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with and since there are no outstanding responses due, the request to withdraw as attorney of record is **GRANTED**.

All future communications will be forwarded to Leffert, Jay, & Polglaze, P.A., at the address indicated in "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 February 2007.

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

Copied from 10549159 on 09/17/2007

A copy of this decision and the withdrawal request will be forwarded to Janal Kalis.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (271) 272-3301
Facsimile: (571) 273-0459

CC: SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Copied from 10549159 on 09/17/2007

2 5 JUN 2007

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TOM LEFFERT
LEFFERT, JAY & POLGLAZE, P.A.
150 SOUTH FIFTH STREET
SUITE 1900
MINNEAPOLIS MN 55402

In re Application of	:	DECISION ON REQUEST
YU, Jinzhang	:	
Application No.: 10/549,159	:	FOR WITHDRAWAL
Attorney's Docket No.: 2373.002US1	:	
For: GENE THERAPY	:	AS ATTORNEY

This is in response to "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 February 2007. Janal Kalis has requested that he and the attorneys/agents associated with Customer Number 21186 be withdrawn as attorneys or agents of record. No fee is required.

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> The Commissioner of Patents and Trademarks 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.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with and since there are no outstanding responses due, the request to withdraw as attorney of record is **GRANTED**.

All future communications will be forwarded to Leffert, Jay, & Polglaze, P.A., at the address indicated in "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed 02 February 2007.

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

Copied from 10549159 on 09/17/2007

A copy of this decision and the withdrawal request will be forwarded to Janal Kalis.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (271) 272-3301
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CC: SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH, P.A.
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MINNEAPOLIS, MN 55402

Copied from 10549159 on 09/17/2007

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16 OCT 2006

J. Mitchell Jones
Medlen & Carroll, LLP
101 Howard Street, Suite 350
San Francisco, CA 94105

In re Application of	:	
EHLICH, et al.	:	
Application No.: 10/594,177	:	
PCT No.: PCT/EP04/07529	:	DECISION ON PETITION
Int. Filing Date: 08 July 2004	:	
Priority Date: 08 July 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: KNAUTHE-13235	:	
For: SECRETED PROTEINS AS MARKERS FOR	:	
CELL DIFFERENTIATION	:	

The petition to revive under 37 CFR 1.137(b) filed 25 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
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07 JAN 2009

TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS, CA 90212

In re Application of NAKAMURA	:	
U.S. Application No.: 10/594,178	:	
PCT Application No.: PCT/JP2005/005310	:	
Int. Filing Date: 16 March 2005	:	DECISION
Priority Date Claimed: 24 March 2004	:	
Attorney Docket No.: 06-05-3109	:	
For: FLOW RATE REGULATION FILTER, AND	:	
FUEL CONTAINER FOR FUEL CELL	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 November 2008.

BACKGROUND

On 16 March 2005, applicant filed international application PCT/JP2005/005310, which claimed priority of an earlier Japan application filed 24 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 25 September 2006 (24 September 2006 was a Sunday).

On 25 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 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 and an English translation of the international application must be filed.

On 14 May 2007, applicant filed an executed declaration.

On 25 June 2007, international application PCT/JP2005/005310 became abandoned as to the United States for failure to timely file a full and proper response to the Notification of Missing Requirements.

On 03 November 2008, 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 16 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 November 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
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2 7 SEP 2007

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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
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In re Application of:	:	
BURTON, David, et al.	:	DECISION ON REQUEST UNDER
U.S. Application No.: 10/594,181	:	37 CFR 1.497(d)
PCT No.: PCT/US2005/010037	:	
International Filing Date: 24 March 2005	:	
Priority Date: 26 March 2004	:	
Docket No.: 8627-1397 (PA-5496-PCT/US)	:	
For: METHOD AND APPARATUS FOR	:	
AN IMPROVIED LUER FITTING	:	
CONNECTION	:	

This decision is issued in response to the "Petition Pursuant To MPEP 1.497(d)(1)" filed 23 July 2007, treated herein as a request under 37 CFR 1.497(d) to correct the inventorship for the present application. Applicants have submitted the required processing fee.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/US2005/010037. The international application claimed a priority date of 26 March 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., 26 September 2006.

The published international application identified two corporate applicants for all states other than the U.S., and two applicant/inventors with respect to the U.S.: David BURTON and Scott PHILHOWER.

On 25 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 23 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 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 23 July 2007, applicants filed a response to the Notification Of Missing Requirements (with one-month extension fee) that included the required surcharge payment, a declaration document executed by the two inventors listed on the international application as well as a third

inventor, Nicholas J. ELY, and the request under 37 CFR 1.497(d) considered herein. The request under 37 CFR 1.497(d) seeks to add Nicolas J. ELY as an inventor of record.

DISCUSSION

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

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

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

With respect to requirement (A) above, applicants have not provided a statement from the person being added as an inventor (Nicolas J. ELY) stating that any error in inventorship in the international application occurred without deceptive intention on his part. Requirement (A) is therefore not satisfied.

With respect to requirement (B) above, applicants have submitted the required processing fee. Requirement (B) is therefore satisfied.

With respect to item (C) above, applicants have not submitted the written consent of the assignee to the change of inventorship. No assignment has been recorded herein; however, the 23 July 2007 submission includes two "Power Of Attorney By Assignee And Correspondence Address Indication" forms executed on behalf of two different corporations (Cook Incorporated and Sabin Corporation), each of which assert that they are the assignee of the present application. Neither of these purported assignees has submitted their consent to the addition of the third inventor. Moreover, neither of the assignees has submitted an acceptable 3.73(b) statement, as would be required before any such consent can be accepted (specifically, the present submission does not indicate the reel and frame number of any recorded assignments, nor is it accompanied

by a copy of any relevant assignments). Before item (C) can be considered satisfied, applicant must submit the written consent of the assignee(s) to the change in inventorship. Any such consent of the assignee(s) must be accompanied by a proper statement under 37 CFR 3.73(b).

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, it is noted that the declaration filed 23 July 2007 is not in an acceptable form. Specifically, the declaration appears to be a compilation of multiple 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, even if the third inventor was made of record herein, applicants have failed to provide an acceptable oath or declaration in compliance with 37 CFR 1.497.

CONCLUSION

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

The inventorship of record herein remains that set forth in the international application, that is, David BURTON and Scott PHILHOWER. The declaration filed 23 July 2007, which includes a third inventor, is therefore defective for failure to properly identify the inventors of record herein.

In addition, as noted above, the filed declaration document 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 items (A) and (C) of a grantable request, as discussed above, that is, the required statement from the inventor to be added, and the written consent of the assignee(s) to the proposed change, in the form required by 37 CFR 3.73(b). Applicants must also provide copies of the complete declarations executed by each of the inventors listed on the declaration (in order 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)

[1] The compilation is evident in that the four-page declaration document consists of two different versions of what appears to be the second page of a three page document, each signed by one of the two inventors named on such page.

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
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0 8 FEB 2008

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In re Application of: BURTON, David, et al. U.S. Application No.: 10/594,181 PCT No.: PCT/US2005/010037 International Filing Date: 24 March 2005 Priority Date: 26 March 2004 Docket No.: 8627-1397 (PA-5496-PCT/US) For: METHOD AND APPARATUS FOR AN IMPROVIED LUER FITTING CONNECTION	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 27 November 2007. Applicants have previously submitted the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 27 September 2007. That decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the required statement of non-deceptive intent from the inventor being added and the consent of the assignee to the requested change. In addition, the decision noted that the filed declaration was not in an acceptable form.

On 27 November 2007, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition includes the required statement of non-deceptive intent from the inventor being added to the application, Nicholas J. ELY. In addition, applicants have now submitted a statement of consent to the change of inventorship executed on behalf of the assignee, and this consent has been provided in compliance with the requirements of 37 CFR 3.73(b).

Based on the above, applicants have satisfied the remaining requirements for a grantable request tot correct inventorship under 37 CFR 1.497(d). The addition of Nicholas J. ELY as an inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriate.

It is also noted that applicants' present submission includes copies of the complete declarations executed by the inventors, resolving the compilation defect identified in the previous decision. The submitted declarations are acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

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

The inventorship of record herein is corrected to include added inventor Nicholas J. ELY.

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 27 November 2007.

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17 OCT 2006

J. Mitchell Jones
Medlen & Carroll, LLP
101 Howard Street, Suite 350
San Francisco, CA 94105

In re Application of KOLOSSOV et al	:	
U.S. Application No.: 10/594,188	:	
PCT Application No.: PCT/EP2004/007530	:	
Int. Filing Date: 08 July 2004	:	
Priority Date Claimed: 08 July 2003	:	DECISION
Attorney Docket No.: KNAUTHE-13236	:	
For: NOVEL METHOD FOR THE	:	
PREPARATION OF EMBRYOID BODIES	:	
(EBs) AND USES THEREOF	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 25 September 2006.

BACKGROUND

On 08 July 2004, applicant filed international application PCT/EP2004/007530, which claimed priority of earlier European Patent Office and United States applications filed 08 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 08 January 2006.

International application PCT/EP2004/007530 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 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 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 Lin

Bryan Lin
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19 OCT 2006

Michael G Shariff
39400 Woodward Avenue Suite 101
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In re Application of WOODS et al.	:	
Application No.: 10/594,203	:	
PCT No.: PCT/US03/38301	:	DECISION ON
Int. Filing: 03 December 2003	:	
Priority Date: 19 March 2003	:	PETITION TO REVIVE
Attorney Docket No.: 60152-1190	:	
For: SELF-DIAGNOSING PIERCE NUT	:	UNDER 37 CFR 1.137(b)
INSTALLATION APPARATUS	:	
	:	

The petition to revive under 37 CFR 1.137(b) filed 22 September 006 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 now 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,207	09/21/2006	Tsuyoshi Kitazaki	ION2.006APC	7060

20995 7590 10/30/2007
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IRVINE, CA 92614

EXAMINER
ALLEN, ANDRE J

ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
10/30/2007	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):

jcartee@kmob.com
eOAPilot@kmob.com

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Knobbe, Martens, Olson & Bear, L.L.P.
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

MAILED FROM
DIRECTORS OFFICE
OCT 29 2007
TECHNOLOGY CENTER 2800

In re Application of	:	**DECISION ON REQUEST TO**
Tsuyoshi KITAZAKI, *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 10594207	:	**PROSECUTION HIGHWAY**
Filed: September 21, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. ION2.006APC	:	**TO MAKE SPECIAL UNDER**
For: TIRE DEFORMATION CALCULATING METHOD & TIRE DEFORMATION CALCULATING APPARATUS	:	**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 August 24, 2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

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, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) 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).

Conditions (1), (4), (6) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails to meet conditions (2), (3) and (5) above.

Regarding the requirement of condition (2), Petitioner has submitted a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof, however, no statement that the English translation is accurate has been received.

Regarding the requirement of condition (5), Petitioner has submitted a copy of all the office action(s) from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof, however, no statement that the English translation is accurate has been received.

Regarding the requirement of condition (3), Petitioner has not amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application. Claims will be considered to sufficiently correspond where, accounting for differences due to translations and claim format requirement, the claims are of the same or similar scope. In the instant application:
Claim 9 has no corresponding allowed/patentable claim in the Japanese application.
Claims 4, 5 and 6 are dependent upon claim 3. These claims have no corresponding allowed/ patentable claim in the Japanese application, since claim 3 in the instant application includes limitations of both claims 3 and 7 in the JPO application.
Furthermore, Petitioner has not amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application. For example, claim 1 in the instant application does not include the limitations of "the measurement data of acceleration acquired by an acceleration sensor attached to a predetermined portion of the tire" and deriving time series "by removing a background component of the acquired measurement date of acceleration", also, the work "deriving" was changed to "extracting", recited in claim 1 of the JPO application. Similarly, claim 15 in the instant application does not include all the limitations recited in the corresponding JPO claim 16. With respect to claim 3, the second approximation curve is defined on the third and fourth regions, while the JP claim 7 recites first and second regions. With respect to claim 8, which corresponds to JP claim 9, "weighting coefficient" is plural in the JP claim 9.

A proper response in this case must: (1) include a statement that the English translation is accurate for the claims,(2) a statement that the English translation is accurate for the office action(s) from the JPO application(s) containing the allowed/patented claims, and (3) an amendment to the claims of the U.S. application in order to sufficiently correspond to the allowable/patentable claim in the JPO application. Petitioner is advised that in amending the claims of the instant application, that the claims in the US case must be of the same or similar scope to the allowed Japanese claims, including dependent as well as independent claims. Claim 9 has no corresponding JP claim and must be canceled.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed August 24, 2007 is **DISMISSED** without prejudice.

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.

Response must be faxed to Christine Oda at 571-273-1602.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

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.

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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2040 Main Street
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Irvine, CA 92614

In re Application of	:	**DECISION ON REQUEST TO**
Tsuyoshi KITAZAKI, *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 10594207	:	**PROSECUTION HIGHWAY**
Filed: September 21, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. ION2.006APC	:	**TO MAKE SPECIAL UNDER**
For: TIRE DEFORMATION CALCULATING METHOD & TIRE DEFORMATION CALCULATING APPARATUS	:	**37 CFR 1.102(d)**

This is a decision in response to the "PRELIMINARY AMENDMENT" filed November 30, 2007. The response is being treated as a petition requesting reconsideration of the previous decision dated October 30, 2007, dismissing the request to participate in the Patent Prosecution Highway (PPH) pilot program and Petition to Make Special under 37 CFR 1.102(d) filed August 24, 2007.

The request and petition are **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;
(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).

Petitioner has amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application, by cancelling claims 1 to 15 and adding claims 16-31.

Furthermore, a statement that the English translation of the previously submitted allowable/patentable claim(s) from the JPO application(s) is accurate, and a statement that the English translation of the previously submitted English translation of the Japanese Office action is accurate, has been received.

CONCLUSION

For the above reasons, the request to participate in the PPH pilot program and petition comply with the above requirements and the request and petition is **GRANTED**. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

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.

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,216	09/26/2006	Tatsuyuki Nakagawa	KOH.016.0001.PC	8779

7590 03/04/2010
NDQ&M WATCHSTONE LLP
1300 EYE STREET, NW
SUITE 1000 WEST TOWER
WASHINGTON, DC 20005

EXAMINER
SCRUGGS, ROBERT J

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
03/04/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

COPY MAILED

JUL 22 2008

In re Application of	:	
Ono et al.	:	
Application No. 10/594,236	:	DECISION ON PETITION
Filed: 09/25/2006	:	
Attorney Docket No. 47232-5011	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed March 26, 2008, 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 nonfinal Office action of August 10, 2007, which set a three-month shortened statutory period for reply. A reply was due on or before Monday, November 12, 2007. A Notice of Abandonment was mailed on March17, 2008.

Petitioner states that a reply was timely filed. To support this assertion, petitioner has submitted a copy of a return receipt, acknowledging the submission of a response to the Office action, an IDS, including a PTO Form 1449 and 1 Prior Art Reference, and a check for $180.00. A copy of the previously submitted reply accompanies the petition.

The reply in the form of an amendment, which the USPTO acknowledged as received on October 26, 2007, is not of record in the application file and has not been located to date. However, MPEP 503 states "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the amendment was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The Office will accept the copy of the reply supplied with the petition in place of the reply shown to have been received by the USPTO on October 26, 2007.

This application is being referred to Technology Center AU 1617 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquires regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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3 1 OCT 2007

23432
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of
KITAHARA, Keiichi *et al*
U.S. Application No.: 10/594,255
PCT No.: PCT/JP05/05483
Int. Filing Date: 25 March 2005
Priority Date: 30 March 2004
Attorney's Docket No.: 5048/76889
For: SURFACE PROTECTIVE SHEET

DECISION

This decision is in response to applicants' "Response to Notification of Missing Requirements" filed 13 August 2007 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 25 September 2006, applicants filed papers to enter the national stage of PCT/JP05/05483 which included an executed declaration. The citizenship of one of the inventors was missing on the declaration.

On 07 June 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*, an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and surcharge fee of $130.00 were required. The Form PCT/DO/EO/905 also indicated that the current declaration filed did not identify the citizenship of each inventor.

On 13 August 2007, applicants submitted a response which included an "Application Data Sheet" containing the citizenship of each inventor.

DISCUSSION

In the response filed 29 November 2004, applicants submitted an "Application Data Sheet" which contains the name, residence, mailing address and citizenship of all four joint inventors. Applicants argue that this is sufficient to satisfy the requirements of 37 CFR 1.497. Applicants are mistaken.

Applicants entering the national stage in the U.S. are required to file an oath or declaration of the inventor in accordance with 37 CFR 1.497(a) and (b). § 1893.01(e)

MPEP. 37 CFR 1.497(a)(2) states that an applicant must file a declaration that identifies each inventor and the counrty of citizenship of each inventor.

A review of the declaration filed on 25 September 2006 shows that the citizenship of the second inventor was not provided. As such, the declaration does not comply with 37 CFR 1.497(a). An Application Data Sheet is not sufficient to rectify this error.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants have **ONE (1) MONTH** to provide a declaration in compliance with 37 CFR 1.497(a) and (b), or any time remaining in the Form PCT/DO/EO/905 mailed 07 June 2007, whichever is longer.

Failure to properly respond in a timely manner will result in the abandonment of the application.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] The citizenship of each inventor is also required on the oath or declaration pursuant to 37 CFR 1.63. An Application Data Sheet is not sufficient. *See* § 601 MPEP.

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23432
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of	:	
KITAHARA, Keiichi *et al*	:	
U.S. Application No.: 10/594,255	:	
PCT No.: PCT/JP05/05483	:	
Int. Filing Date: 25 March 2005	:	**DECISION**
Priority Date: 30 March 2004	:	
Attorney's Docket No.: 5048/76889	:	
For: SURFACE PROTECTIVE SHEET	:	

This decision is in response to the petition to revive under 37 CFR 1.137(b) filed 18 August 2008 which is hereby **GRANTED** as follows:

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2), (3) and (4) of 37 CFR 1.137(b) are satisfied.

Regarding item (1), applicants submitted a copy of the declaration previously submitted that has been altered by Masato Saito, the second named inventor, to include his Japanese citizenship. Mr. Saito re-signed and dated the declaration next to the addition of his citizenship. This is considered an acceptable supplemental declaration pursuant to 37 CFR 1.67. *See* MPEP § 605.04(a). Item (1) is also complete.

This application is being forwarded to the National Processing Division (DO/EO/US) for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

1 4 JAN 2008

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THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974-2064

In re Application of	:	
DAVENNE, Tristan Richard Ghislain, et al.	:	
Application No.: 10/594,260	:	DECISION ON
PCT No.: PCT/GB2005/001087	:	
Int. Filing Date: 22 March 2005	:	PETITION UNDER
Priority Date: 26 March 2004	:	
Attorney Docket No.: M04B101	:	37 CFR 1.47(a)
For: GEAR ASSEMBLY	:	

This is in response to applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 29 October 2007.

BACKGROUND

On 22 March 2005, applicants filed international application PCT/GB2005/001087, claiming a priority date of 26 March 2004. The deadline for paying the basic national fee in the United States expired at midnight on 26 September 2006.

On 25 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 27 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 29 October 2007, applicants submitted this petition accompanied by a declaration of an inventor and a firsthand statement of facts and the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3) and (4) have been met. The $200 fee for this petition will be charged to deposit account no. 50-4244, as authorized. Applicants state that the last known address of inventor Tristan Richard Ghislain Davenne as 15 Chapel Road, Epping, Essex CM16 5DS, United Kingdom. The declaration submitted complies with 37 CFR 1.47(a) and 37 CFR 1.497(a)-(b).

Item (2) has not been satisfied. A refusal to sign a declaration in the absence of presentation with a complete copy of the application papers including the declaration is not normally sufficient. On 09 October 2007, applicant sent a copy of the application papers and a declaration to the non-signing inventor. However, a review of those papers indicates that only the first two pages of the declaration were sent. The declaration failed to list the correct inventive entity. Failure to sign a defective declaration is reasonable.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

0 3 OCT 2008

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THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974-2064

In re Application of	:	
DAVENNE, Tristan Richard Ghislain, et al.	:	
Application No.: 10/594,260	:	DECISION ON
PCT No.: PCT/GB2005/001087	:	
Int. Filing Date: 22 March 2005	:	PETITION UNDER
Priority Date: 26 March 2004	:	
Attorney Docket No.: M04B101	:	37 CFR 1.47(a)
For: GEAR ASSEMBLY	:	

This is in response to applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 31 July 2008.

BACKGROUND

On 14 January 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 31 July 2008, applicants filed this renewed petition, accompanied by the fee for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3) and (4) were previously satisfied. Applicants state that the last known address of inventor Tristan Richard Ghislain Davenne as 15 Chapel Road, Epping, Essex CM16 5DS, United Kingdom.

Item (2) has now been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **29 October 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

0 3 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Tristan Richard Ghislain Davenne
15 Chapel Road
Epping, Essex
CM16 5DS
United Kingdom

In re Application of
DAVENNE, Tristan Richard Ghislain, et al.
Application No.: 10/594,260
PCT No.: PCT/GB2005/001087
Int. Filing Date: 22 March 2005
Priority Date: 26 March 2004
Attorney Docket No.: M04B101
For: GEAR ASSEMBLY

Dear Mr. Davenne:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
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25 OCT 2006

Samuel J. Haidle
39400 Woodward Avenue
Suite 101
Bloomfield Hills MI 48304-5151

In re Application of	:	
MOBBS	:	
Application No.: 10/594,289	:	DECISION ON
PCT No.: PCT/GB2005/000942	:	
Int. Filing Date: 11 March 2005	:	PETITION UNDER
Priority Date: 13 March 2004	:	
Attorney Docket No.: 65423-004	:	37 CFR 1.137(b)
For: A DOHERTY AMPLIFIER	:	

This decision is in response to applicant's submission filed 25 September 2006.

BACKGROUND

On 11 March 2005, applicants filed international application PCT/GB2005/000942 which designated the U.S. and claimed a priority date of 13 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 at midnight on 13 September 2006.

On 25 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 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 25 September 2006.

As to item (2), applicant submitted the petition fee on 25 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.

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
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Mail Date: 04/20/2010

Applicant	: Christopher Joseph Schofield	: DECISION ON REQUEST FOR
Patent Number	: 7638295	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Takashi Nishimori	: DECISION ON REQUEST FOR
Patent Number	: 7653220	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **791** 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.
10/594,325	02/09/2007	Makoto Yamada	SON-3261	3343

7590 09/03/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/03/2009	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.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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30 OCT 2006

David W. Highet
BECTON, DICKINSON AND COMPANY
1 Becton Drive, MC110
Franklin Lakes, NJ 07417-1880

In re Application of KOSINSKI, Anthony U.S. Application No.: 10/594,335 PCT No.: PCT/US2005/000624 Int. Filing Date: 07 January 2005 Priority Date: 09 January 2004 Attorney Docket No.: P-6250 For: POSITIVE DISPLACEMENT FLUSH SYRINGE	:	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 27 September 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge 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.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

28 MAR 2007

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE WA 98101

In re Application of	:
TAKAGI et. al.	: DECISION ON
Application No.: 10/594,341	:
PCT No.: PCT/JP05/04791	: PETITION
Int. Filing Date: 17 March 2005	:
Priority Date: 19 March 2004	: UNDER 37 CFR 1.137(b)
Attorney's Docket No.: NAII128111	:
For: THERMISTOR DEVICE	:

The petition to revive under 37 CFR 1.137(b) filed 25 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 25 September 2006 the required petition fee, the basic national fee, the national stage search and examination fees, and the additional claims fee for filing three additional independent claims.

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
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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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of :
Zimmermann, et al. :
Application No. 10/594,343 : ON APPLICATION FOR
Filed: July 23, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. BHC 03 1095

This is in response to the REQUEST FOR PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR 1.705, filed March 30, 2010, which is properly treated under 37 C.F.R. § 1.705(b). Applicants submit that the patent term adjustment to be indicated on the patent is more than one hundred and fifty-eight (158) days. Applicants do not articulate what applicants believe the correct patent term adjustment to be. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

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

---

[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 the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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25 OCT 2006

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
MIYAKE et al.	:	
Application No.: 10/594,349	:	DECISION ON
PCT No.: PCT/JP2004/002696	:	
Int. Filing Date: 03 March 2004	:	PETITION UNDER
Priority Date: 04 March 2003	:	
Attorney Docket No.: 690121.410USPC	:	37 CFR 1.137(b)
For: COMPOSITION AND METHOD FOR INCREASING EFFICIENCY OF INTRODUCTION OF TARGET SUBSTANCE INTO CELL	:	

This decision is in response to applicant's submission filed 26 September 2006.

BACKGROUND

On 03 March 2004, applicants filed international application PCT/JP2004/002696 which designated the U.S. and claimed a priority date of 04 March 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 September 2005 (04 September 2005 being a Sunday and 05 September 2005 being a Federal holiday).

On 26 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, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 26 September 2006.

As to item (2), applicant submitted the petition fee on 26 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.

CONCLUSION

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

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

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0 8 DEC 2008

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

In re Application of	:	DECISION ON
Alan H. Lettington	:	
PCT No.: PCT/GB2005/000698	:	
Application No.: 10/594,351	:	
Int. Filing Date: 25 February 2005	:	PAPERS FILED
Priority Date: 30 March 2004	:	
Attorney's Docket No.: 06007/42358	:	
For: SCANNING APPARATUS	:	UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC §371" filed 26 August 2008, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 September 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 26 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS 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 (2) months from date of mailing of this notice 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 26 June 2008, applicants filed on 26 August 2008 a declaration signed by Brenda Lettington as legal representative of the inventor now deceased Alan H. Lettington.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the inventor Alan H. Lettington is deceased and Brenda Lettington has been appointed as the legal representatives for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance the information provided below the signature of the legal representative appears to be that of the legal representative and not of the deceased inventor. As such, the declaration does not provide the necessary information for the deceased co-joint inventor. Thus, the citizenship, residence and mailing address of the inventor needs to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Moreover, the declaration is defective, in that above the name of the deceased named inventor has been improperly altered – hand-written information and lines pointing to places to be filled. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

27 MAY 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

In re Application of	DECISION ON RENEWED
Alan H. Lettington	
PCT No.: PCT/GB2005/000698	
Application No.: 10/594,351	
Int. Filing Date: 25 February 2005	PAPERS FILED
Priority Date: 30 March 2004	
Attorney's Docket No.: 06007/42358	
For: SCANNING APPARATUS	UNDER 37 CFR 1.42

This is a decision on the "RENEWED SUBMISSION UNDER 37 CFR 1.42" filed on 09 March 2009.

BACKGROUND

In a decision from this Office on 08 December 2008, the request filed on 26 August 2008 was not accepted under 37 CFR 1.42.

On 09 March 2009, applicants filed the present renewed petition, which also included a renewed submission under 37 CFR § 1.42 accompanied with an executed declaration.

DISCUSSION

Applicants have provided a supplemental executed declaration, which sets forth that Brenda Lettington is the legal representative of the deceased inventor Alan H. Lettington, and it also sets forth their citizenships and residences.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **09 March 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
WOODRUFF, Trent M. et al.	:	
Application No. 10/594,358	:	DECISION ON PETITION
Filed: November 26, 2006	:	TO WITHDRAW
Attorney Docket No. **229752004900**	:	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 06, 2009.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because the information for box A. on the 3.73b statement is incomplete.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **THE NATH LAW GROUP**
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

Petitions Maintenance

Application

Select By*

Application No: 10594358 Patent No: Search Clear

Title of Invention:
Treatment of Neurological Conditions Using Complement C5a Receptor Modulators

Filing Date: 11/26/2007 Issue Date: 01/01/0001

Inventor Name: WOODRUFF, TRENTMARTIN

Petitions

	Mailroom Date	Match	Initial Type	Decided Type	Decision	Decision Date	Deciding Off
◉	04/06/2009	Y	307	307	GRANTED	09/01/2009	JACKSON, TREDELLE D

Deselect

Petition Detail

Mailroom Date*:

Decision: <NONE>

Cert of Mail Date:

Decision Date:

Delivery Mode:

Initial Petition Type:*: 0-<NONE>

Decision Mail Date:

Next Business Day ☐

Initial Deciding Office*: None

Decided Petition Type: 0-<NONE>

Deciding Official:

Final Deciding Office:

Matched to Application ☐

Reconsider/Renew ☐

Add Update Delete Petition Delete Decision

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SEP 29 2008

OFFICE OF PETITIONS

Applicant: Koyakumaru
Appl. No.: 10/594,401
International Filing Date: March 31, 2005
Title: METHOD FOR PRODUCING 5ALPHA-PREGNANE DERIVATIVE
Attorney Docket No.: 701063
Pub. No.: 2007/0203106 A1
Pub. Date: August 30, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 24, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to the Japanese application is omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The 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 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 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.

[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 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

0 7 JAN 2008

United States Patent and Trademark Office

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United States Patent and Trademark Office
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www.uspto.gov

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of	:	
LALESSE et al.	:	
Application No.: 10/594,406	:	DECISION
PCT No.: PCT/NL2005/000221	:	
Int. Filing Date: 24 March 2005	:	ON
Priority Date: 26 March 2004	:	
Attorney Docket No.: VER-210XX	:	PETITION
For: Apparatus And Method For Stacking Objects	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 01 November 2007.

BACKGROUND

This international application was filed on 24 March 2005, claimed an earlier priority date of 26 March 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 September 2006. Applicants filed *inter alia* the basic national fee on 26 September 2006.

On 01 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 a surcharge under 37 CFR 1.492(h).

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee was paid on 01 November 2007.

Regarding **requirement (2)**, the "DECLARATION OF MICHIEL VAN ROOIJ..." (And supporting copies of letters cited therein) establishes that, within the meaning of 37 CFR 1.47(a), Mr. Van Schijndel expressly refused to execute the application on 17 October 2007 after being presented with a copy of the application papers, including a declaration document. Requirement (2) therefore has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is acceptable, having been signed by Robert Lalesse for himself and on behalf of Marcel van Schijndel.

DECISION

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

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

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

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **01 November 2007**.

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

0 7 JAN 2008

United States Patent and Trademark Office

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Mr. Marcel van Schijndel
Molenaar 39
7141 PA Groenlo
THE NETHERLANDS

In re Application of
LALESSE et al.
Application No.: 10/594,406
PCT No.: PCT/NL2005/000221
Int. Filing Date: 24 March 2005
Priority Date: 26 March 2004
Attorney Docket No.: VER-210XX
For: Apparatus And Method For Stacking Objects

Dear Mr. van Schijndel:

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

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
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BOSTON MA 02109

United States Patent and Trademark Office

Commissioner for Patents
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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 (Marcel VAN SCHIJNDEL) 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/NL2005/000221 and was filed on March 24, 2005 in the names of Robert LALESSE and Marcel VAN SCHIJNDEL for the invention entitled APPARATUS AND METHOD FOR STACKING OBJECTS. The national stage application number is 10/594,406 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of November 1, 2007.

16 SEP 2008

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
GE et al.	:	
Application No.: 10/594,429	:	DECISION
PCT No.: PCT/US2005/010220	:	
Int. Filing Date: 25 March 2005	:	
Priority Date: 26 March 2004	:	
Attorney Docket No.: 1034136-000040	:	
For: POLYHYDROXY HYDROGENSULFATED	:	
TRIMETALLIC NITRIDE ENDOHEDRAL	:	
METLLOFULLERENES	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 14 February 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 March 2005, applicants filed international application PCT/US2005/010220, which designated the United States and claimed a priority date of 26 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2006.

On 26 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 14 February 2008, applicants the instant petition under 37 CFR 1.47(a).

DISCUSSION

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

As to item (1), the fee has been paid.

As to item (2), it has been established that the non-signing inventor Harry C. Dorn 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 14 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

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

/Daniel Stemmer/

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

1 6 SEP 2008

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Dr. Harry C. Dorn
101 Fincastle Drive
Blacksburg, VA 24060

In re Application of
GE et al.
Application No.: 10/594,429
PCT No.: PCT/US2005/010220
Int. Filing Date: 25 March 2005
Priority Date: 26 March 2004
Attorney Docket No.: 1034136-000040
For: POLYHYDROXY HYDROGENSULFATED TRIMETALLIC NITRIDE ENDOHEDRAL METLLOFULLERENES

Dear Mr. Dorn:

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/

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1 1 DEC 2007

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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of	:	
GE et al.	:	
U.S. Application No. 10/594,432	:	DECISION ON PETITION
PCT No.: PCT/US05/10219	:	
Int. Filing Date: 25 March 2005	:	
Priority Date: 26 March 2004	:	
Attorney Docket No.: 1034136-000035	:	
For: PEGYLATION AND HYDROXYLATION OF TRIMETALLIC NITRIDE ENDOHEDRAL METALLOFULLERENES	:	

This decision is issued in response to applicants' "Petition for Filing Application By Less Than All the Inventors Pursuant to 37 CFR 1.47(a)" filed 16 November 2007, to accept the application without the signature of joint-inventor, Harry C. Dorn.

BACKGROUND

On 25 March 2005, applicants filed international application PCT/US05/10219 which claimed a priority date of 26 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, 26 September 2006.

On 26 September 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); an application data sheet; and a copy of the international application.

On 25 September 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 November 2007, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (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 have satisfied Item (1), (3) and (4).

Regarding item (2) above, petitioner states that the Harry C. Dorn 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 Harry C. Dorn or his attorney, David O. Williamson. The declaration of Aaron S. Hullman states that Harry C. Dorn refuses to sign the inventor's declaration for this application. However, no documentary evidence to support the refusal or the attempt was provided with Aaron S. Hullman's declaration. Exhibits 1-3 of the

Declaration of Aaron S. Hullman were not included with the present petition. Further, the mailing of the declaration/power of attorney 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 oath/declaration) were sent to Harry C. Dorn, 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 Harry C. Dorn 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.

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1 4 JAN 2008

Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of	:	
GE et al.	:	
U.S. Application No. 10/594,432	:	DECISION ON PETITION
PCT No.: PCT/US05/10219	:	
Int. Filing Date: 25 March 2005	:	
Priority Date: 26 March 2004	:	
Attorney Docket No.: 1034136-000035	:	
For: PEGYLATION AND HYDROXYLATION OF TRIMETALLIC NITRIDE ENDOHEDRAL METALLOFULLERENES	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 02 January 2008, to accept the application without the signature of joint-inventor, Harry C. Dorn.

BACKGROUND

On 25 March 2005, applicants filed international application PCT/US05/10219 which claimed a priority date of 26 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, 26 September 2006.

On 26 September 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); an application data sheet; and a copy of the international application.

On 25 September 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 November 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 11 December 2007, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 02 January 2008, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(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 Harry C. Dorn's refusal to execute the application papers is contained in the "Statement(s) of Facts" by Aaron S. Hullman 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 (Harry C. Dorn). 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 Harry C. Dorn 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

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Facsimile: 571-273-0459

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30 OCT 2006

MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

In re Application of	:	
KIM *et al*	:	
U.S. Application No.: 10/594,445	:	**DECISION ON**
PCT No.: PCT/KR2004/001726	:	**PETITION FOR REVIVAL**
Int. Filing Date: 12 July 2004	:	**UNDER 37 CFR 1.137(b)**
Priority Date: 07 February 2004	:	
Attorney Docket No.: 064991-5012	:	
For: DIGITAL CONVERGENT RECORDER	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 26 September 2006 with the national stage papers 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.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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17 OCT 2006

Foley & Lardner, LLP
P.O. Box 80278
San Diego, CA 92138-0278

In re Application of KONNO, et al. Application No.: 10/594,462 PCT No.: PCT/FI04/00403 Int. Filing Date: 29 June 2004 Priority Date: 27 February 2003 Attorney Docket No.: 061608-0400 For: TRANSFERRING DATA BETWEEN DEVICES	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 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

Anthony Smith
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DANN, DORFMAN, HERRELL & SKILLMAN
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SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED

NOV 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Fee et al.	:	DECISION ON PETITION
Application No. 10/594,463	:	TO WITHDRAW
Filed: April 18, 2008	:	FROM RECORD
Attorney Docket No. 105967.0763	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 7, 2009.

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

A review of the file record indicates that on November 25, 2009 the power of attorney to Dann, Dorfman, Herrell & Skillman was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

1 8 MAR 2010

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

In re Application of
Kim et al.
Application No.: 10/594,466
PCT No.: PCT/KR2005/000965
Int. Filing Date: 01 April 2005
Priority Date: 01 April 2004
Attorney Docket No.: CU-5130 WWP
For: Apparatus And Method For Receiving Digital Television Signal With Backward Compatibility

DECISION

This is in response to the "Petition/Request..." filed on 12 January 2010.

BACKGROUND

This international application was filed on 01 April 2005, claimed an earlier priority date of 01 April 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 January 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2006. Applicants filed *inter alia* the basic national fee on 27 September 2006.

On 14 February 2007, applicants filed *inter alia* a declaration.

On 04 June 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "09/27/2006" were mailed to applicants.

DISCUSSION

Counsel states that "it is believed that the date of completion of 35 U.S.C. 371(c)(4) requirements was made on February 14, 2007," and requests that the filing receipt and Notice of Acceptance be "corrected " accordingly. Review of the record reveals that an executed declaration was filed on 14 February 2007. Inspection of that declaration reveals that the sheet signed by Seung-Won KIM appears to have been separately faxed, and later attached to the remaining sheets. MPEP 605.04(a) states (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 (by combining the signature pages).<

while MPEP 201.03 further 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 14 February 2007 for purposes of compliance with 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a) and (b). Therefore, the Filing Receipt and Notice of Acceptance mailed on 04 June 2007 were issued in error, and both are hereby **VACATED**. Applicants are required to file an oath or declaration compliant with 37 CFR 1.497(a) and (b). A declaration naming the entire inventive entity and signed by Seung-Won KIM, and meeting all other pertinent requirements, would be acceptable.

DECISION

The petition is **DISMISSED**, without prejudice, for the above reasons.

A proper response (as described above) 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**.

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
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1 3 JUL 2010

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

In re Application of
Kim et al.
Application No.: 10/594,466
PCT No.: PCT/KR2005/000965
Int. Filing Date: 01 April 2005
Priority Date: 01 April 2004
Attorney Docket No.: CU-5130 WWP
For: Apparatus And Method For Receiving Digital Television Signal With Backward Compatibility

DECISION

This is in response to the "Response To Decision on Petition" filed on 17 May 2010.

DISCUSSION

In a Decision mailed on 18 March 2010, applicants were advised that

> Review of the record reveals that an executed declaration was filed on 14 February 2007. Inspection of that declaration reveals that the sheet signed by Seung-Won KIM appears to have been separately faxed, and later attached to the remaining sheets. MPEP 605.04(a) states (in part) that...
>
> In view of this policy, it would not be appropriate to accept the declaration filed on 14 February 2007 for purposes of compliance with 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a) and (b). Therefore, the Filing Receipt and Notice of Acceptance mailed on 04 June 2007 were issued in error, and both are hereby VACATED. Applicants are required to file an oath or declaration compliant with 37 CFR 1.497(a) and (b). A declaration naming the entire inventive entity and signed by Seung-Won KIM, and meeting all other pertinent requirements, would be acceptable.

In response, counsel has provided an appropriate declaration executed by Seung-Won KIM. Taken in combination with the declaration documents previously of record, this declaration satisfies the requirements of 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** for purposes of 37 CFR 1.497(a) and (b).

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 **17 May 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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19 OCT 2006

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of XIAN-MING ZENG et al. Application No.: 10/594,473 PCT No.: PCT/US04/28345 Int. Filing: 01 September 2004 Priority Date: 02 September 2003 Attorney Docket No.: TEVNHC 3.3-074 For: PROCESS FOR PREPARING A MEDICAMENT	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 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" 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 now 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

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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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of
Miguel De Vega Rodrigo, et al.
Application No. 10/594,476
Filed: July 17, 2007
Attorney Docket No. 039090-00071

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 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 request was signed by Kevin R. Spivak on behalf of all attorneys of record who are associated with customer No. 87133. All attorneys/agents associated with the Customer Number 87133 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed February 18, 2010 that requires a reply from the applicant.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: NOKIA SIEMENS NETWORK GMBH & CO. KG
CTO RTP IPR/PATENT ADMINISTRATION
MINICH 80240 GERMANY

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/594,476	07/17/2007	Miguel De Vega Rodrigo	039090-00071

CONFIRMATION NO. 9497

POWER OF ATTORNEY NOTICE

87133
Dickinson Wright, PLLC
1875 Eye Street, NW
Suite 1200
Washington, DC 20006

OC000000042598361

Date Mailed: 07/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2010.

- 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.

/amwise/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/594,476	07/17/2007	Miguel De Vega Rodrigo	039090-00071

CONFIRMATION NO. 9497

POA ACCEPTANCE LETTER

87133
Dickinson Wright, PLLC
1875 Eye Street, NW
Suite 1200
Washington, DC 20006

OC000000042597886

Date Mailed: 07/16/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2009.

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

/amwise/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/594,476	07/17/2007	Miguel De Vega Rodrigo	2004P0151WOUS

CONFIRMATION NO. 9497

POWER OF ATTORNEY NOTICE

29177
K&L Gates LLP
P.O. BOX 1135
CHICAGO, IL 60690

OC000000042597296

Date Mailed: 07/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2009.

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

/amwise/

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

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

Mail Date: 04/20/2010

Applicant	: Haruo Sugiyama	: DECISION ON REQUEST FOR
Patent Number	: 7622119	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,507	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

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SEP 2 9 2008

OFFICE OF PETITIONS

In re Application of	:	
POHORESKI, Anton	:	
Application No. 10/594,510	:	DECISION ON PETITION
Filed: September 28, 2006	:	TO WITHDRAW
Attorney Docket No. **POHO-001/01US**	:	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 03, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ANTON PAUL POHORESKI**
P.O. BOX 1133
PORT MORESBY NCD, PAPUA NEW GUINEA

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OFFICE OF PETITIONS

In re Application of	:	
POHORESKI, Anton	:	
Application No. 10/594,510	:	DECISION ON PETITION
Filed: September 28, 2006	:	TO WITHDRAW
Attorney Docket No. **POHO-001/01US**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 23, 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 Erich E. Veitenheimer on behalf of all attorneys of record who are associated with customer No. 58249. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Anton Pohoreski at the address indicated below.

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ANTON POHORESKI**
P.O. BOX 1133
PORT MORESBY N.C.D.
PAPUA NEW GUINEA

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

Mail Date: 04/23/2010

Applicant	: Yoshio Sasaki	: DECISION ON REQUEST FOR
Patent Number	: 7609601	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,525	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **506** 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	: Ikuo Ando	: DECISION ON REQUEST FOR
Patent Number	: 7610954	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,550	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **381** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 05/18/2010

Applicant : Ikuo Ando
Patent Number : 7610954
Issue Date : 11/03/2009
Application No : 10/594,550
Filed : 09/27/2006

: 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 **423** 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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BARNES & THORNBURG LLP
750-17TH STREET NW
SUITE 900
WASHINGTON DC 20006-4675

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FEB 03 2010

OFFICE OF PETITIONS

In re Application of :
Figgener et al. : DECISION ON PETITION
Application Number: 10/594554 :
Filing Date: 09/27/2006 :
Attorney Docket Number: :
677/45189 :

This is a decision in reference to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE AND REQUEST TO ISSUE A NEW NOTICE OF ALLOWANCE AND FEE(S) DUE," filed on November 10, 2009, which is treated as a petition under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned on June 3, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on March 2, 2009, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on June 25, 2009.

Petitioner asserts that the Notice of Allowance and Fee(s) due was never received because it was mailed to an old correspondence address.

Specifically, petitioner asserts that a Change of Correspondence Address was filed on January 22, 2009, stating that the correspondence address was changed to the address associated with Customer Number 23646. Petitioner further asserts that the Notice of Allowance and Fee(s) Due mailed on March 2, 2009, was mailed to the address associated with Customer Number 23643, which was the Customer Number previously designed as for the correspondence address. Petitioner further states that the Notice of Allowance and Fee(s) Due was also not received at the address associated with Customer Number 23643, and has provided a docket report in support.

In the absence of any irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on March 2, 2009, there is a

strong presumption that the Notice of Allowance and Fee(s) Due mailed on March 2, 2009 was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) Due mailed on March 2, 2009 was not in fact received.

A review of the official file reveals that a Change of Correspondence Address designating the correspondence address associated with Customer Number 23646 as the address of record was filed on January 22, 2009, but that the Notice of Allowance and Fee(s) Due mailed on March 2, 2009, was mailed to the address associated with Customer Number 23643.

As such, the showing of record is that the Office erred in mailing the Notice of Allowance and Fee(s) Due mailed on March 2, 2009 to an incorrect correspondence address.

The petitioner has made a sufficient showing of nonreceipt of the Notice of Allowance and Fee(s) Due. As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

As the present petition was not necessitated by an error on the part of petitioner, no fee is due.

The petition is **GRANTED.**

The application file is being referred to the Technology Center Art Unit 1797 for remailing of the Notice of Allowance and Fee(s) Due mailed on March 2, 2009. 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.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Giovanni Passoni	: DECISION ON REQUEST FOR
Patent Number	: 7654729	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,557	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/12/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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30 OCT 2006

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Suite 300
Washington, DC 20001-5303

In re Application of
OLIVA, Roberto
U.S. Application No.: 10/594,565
PCT No.: PCT/EP2005/051181
Int. Filing Date: 15 March 2005
Priority Date: 18 March 2004
Attorney Docket No.: OLIVA1
For: INHALER FOR PREPARATIONS IN POWDER FORM

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

Applicant's petition to revive under 37 CFR 1.137(b) filed on 27 September 2006 with the national stage papers 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.

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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PO BOX 747
FALLS CHURCH VA 22040-0747

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OFFICE OF PETITIONS

In re Application of	:	
Nobuki Matsui et al	:	
Application No. 10/594,601	:	DECISION GRANTING PETITION
Filed: September 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2257-0261PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 15, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3744 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.*

30 APR 2007

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of	:	
BARBERO RIPOLL et al.	:	
Application No.: 10/594,639	:	DECISION ON
PCT No.: PCT/ES2005/000141	:	
Int. Filing Date: 17 March 2005	:	PETITION UNDER
Priority Date: 22 March 2004	:	
Attorney Docket No.: 027318-00027	:	37 CFR 1.137(b)
For: METHOD FOR THE GENERATION OF	:	
COMPOSITE NANOTUBES AND NANOFIBRES	:	
FROM COAXIAL JETS	:	

This decision is in response to applicants' submission filed 28 September 2006.

BACKGROUND

On 17 March 2005, applicant filed international application PCT/ES2005/000141 which designated the U.S. and claimed a priority date of 22 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2006.

On 03 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, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and the processing fee under 37 CFR 1.492(f) for providing the English translation later than thirty months from the priority date.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 28 September 2006.

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

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 inventors in compliance with 37 CFR 1.497(a)-(b) and an English translation of the international application as filed.

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

In re Application of	:	
Zhang	:	
Application No.: 10/594,646	:	
PCT No.: PCT/CN2005/000382	:	
Int. Filing Date: 25 March 2005	:	DECISION
Priority Date: 29 March 2004	:	
Attorney Docket No.: CU-5139 RJS	:	
For: Method For Activating Multimedia Broadcast/Multicast Service	:	

This is in response to the correspondence filed on 08 August 2008.

BACKGROUND

This international application was filed on 25 March 2005, claimed an earlier priority date of 29 March 2004, and designated the U.S. The International Bureau transmitted 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 29 September 2006. Applicant filed *inter alia* the basic national fee on 27 September 2006.

On 29 January 2007, applicant filed an executed declaration and the surcharge under 37 CFR 1.492(h).

On 19 June 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating *inter alia* a date under 35 U.S.C. 371(c)(1), (2) and (4) of "09/27/2006." A filing receipt showing a "Filing or 371(c) Date" of "09/27/2006" was also mailed.

DISCUSSION

Counsel states that "There is an error in that the filing date of the present application is incorrect as shown on page 1 of the attached copy of the filing receipt. The correct filing date should be January 29, 2007. Also attached is a copy of the post card sent with the Declaration, and a print out of the Image File Wrapper showing that the USPTO received these documents on January 29, 2007."

Review of the application file reveals that 35 U.S.C. 371(c)(1) was satisfied by the payment of the U.S. basic national fee on 27 September 2006, while 35 U.S.C. 371(c)(2) was satisfied as of the filing of a translation of the international application on 27 September 2006. The requirements of 35 U.S.C. 371(c)(4) were satisfied by the filing of a declaration compliant with 37 CFR 1.497(a) and (b) on 29 January 2007. Therefore, the date of completion of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) was 29 January 2007, not 27 September 2006 as shown on the Notice of Acceptance mailed on 19 June 2008. Therefore, the Notice of Acceptance mailed on 19 June 2008 is hereby **VACATED**.

DECISION

Applicant's request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) showing a date under 35 U.S.C. 371(c)(1), (2) and (4) of **29 January 2007**, as well as a corrected filing receipt showing a "filing date" of **29 January 2007**.

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

10 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of YOSHIDA et al. Application No.: 10/594,663 PCT No.: PCT/JP05/06078 Int. Filing Date: 30 March 2005 Priority Date: 30 March 2004 Attorney Docket No.: F-9177 For: SPREAD OUT TYPE PAPER DIAPER	DECISION ON RESPONSE

This is a decision applicant's response to Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 12 May 2008.

BACKGROUND

On 28 September 2006, 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 26 October 2006, applicant filed an executed declaration identifying Izumi Watanabe, Ryoichi Yamada and Takeshi Uchida.

On 25 September 2007, the Office mailed Notification of Missing Requirements indicating that declaration was not in compliance with 37 CFR 1.497(a) and (b), in that the inventors listed on the declaration were not the same as listed on the international application. On 29 October 2007, applicant filed a response.

On 10 April 2008, a Notification of Defective Response was mailed to applicant indicating that the declaration did not identify inventor Hideaki Yoshida.

On 12 May 2008, applicant filed a declaration identifying and executed by Hideaki Yoshida as sole inventor.

DISCUSSION

A review of the declaration filed on 12 May 2008 reveals that the declaration is in the Japanese and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106). Nor is the declaration accompanied by a statement that the translation is

accurate. Thus, the declaration is unacceptable as filed.

CONCLUSION

The declaration originally filed on 12 May 2008 is unacceptable as filed. Applicant is required to correct the above-noted defects within **TWO (2) MONTHS** from the mail date of this Decision. Extensions of time are NOT available.

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

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of YOSHIDA et al. Application No.: 10/594,663 PCT No.: PCT/JP05/06078 Int. Filing Date: 30 March 2005 Priority Date: 30 March 2004 Attorney Docket No.: F-9177 For: SPREAD OUT TYPE PAPER DIAPER	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the U.S. National Stage application from its due date 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 English/Japanese declaration, in compliance with 37 CFR 1.497(a) and (b) along with a statement that the translation is accurate has been provided. The required petition fee of $1540 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 12 May 2008.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

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OCT 15 2008

OFFICE OF PETITIONS

In re Application of :
Xavier Briand, et al. :
Application No. 10/594,692 :
Filed: May 31, 2007 :
Attorney Docket No. 20010.0007USWO :

ON PETITION

This is a decision on the petition, filed July 1, 2008, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for failure to reply to the non-final Office action mailed November 20, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 27, 2008. In response, on July 1, 2008, the present petition was filed wherein petitioner asserts that a reply was timely filed. To support this assertion, petitioner submitted a copy of a Auto Reply Facsimile Transmission which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 20, 2008 of "Amendment and Response (7 pages); Petition for Extension of Time (1 page). A copy of the previously submitted reply accompanies the petition.

A review of the written record confirms that a timely response was filed, as it is present in the application file. Accordingly, the holding of abandonment for failure to timely file a response to the Office communication of November 20, 2007 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed June 27, 2008 is hereby vacated.

This application is being referred to Technology Center AU 2621 for appropriate action in the normal course of business on the reply received May 20, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

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JUL 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael Clair Graham et al	:	
Application No. 10/594,741	:	DECISION GRANTING PETITION
Filed: September 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 62,970A	:	

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

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

This application is being referred to Technology Center AU 1619 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

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

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

In re Application of NAKAO et al. Serial No.: 10/594,763 PCT No.: PCT/JP05/06837 Int. Filing Date: 31 March 2005 Priority Date: 31 March 2004 Attorney's Docket No.: 1254-0327PUS1 For: COMPOSITION FOR INCREASING BODY HEIGHT:	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to applicant's "Letter-Response to Notification of Missing Requirements" filed 26 September 2007 in the United States Patent and Trademark Office (USPTO) in the above-captioned application and as explained below, will be treated as a petition under 37 CFR 1.182.

On 29 September 2006, applicant filed the U.S. national stage application for international application PCT/JP05/06837, under 35 U.S.C. 371. These papers were assigned U.S. serial number 10/594,763.

On 04 September 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), and the $130 surcharge for filing the declaration after the thirty month period, was required.

On 26 September 2007, in a response to the Notification of Missing Requirements, applicant submitted the instant petition accompanied by a copy of the declaration and the itemized postcard receipt with USPTO date-stamp 29 September 2006, indicating receipt of, *inter alia*, a declaration executed by the inventors.

DISCUSSION

Applicant requests acceptance of the declaration submitted on 26 September 2007 in lieu of the original declaration, mailed on 29 September 2006.

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 29 September 2006 and provided a copy of the USPTO date-stamped postcard receipt indicating such. The postcard identifies the application number, applicant name and docket number. Among the items listed on the postcard receipt are "Declaration" and "English translation of the international application". The postcard is date-stamped by the USPTO "OIPE SEP 29 2006" and "PCT/PTO 29 SEP 2006".

A review of the USPTO date-stamped, itemized postcard receipt indicates that the declaration was deposited with the USPTO on 29 September 2006. Applicant has now presented a copy of the papers originally filed on 29 September 2006 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 29 September 2006 and that the postcard receipt indicating a date of 29 September 2006 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 29 September 2006.

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 meets the requirements of 37 CFR 1.497(a) and (b).

For the reasons set forth above, the 04 September 2007 Notification of Missing Requirements is hereby **VACATED**.

CONCLUSION

Applicant's petition under 37 CFR 1.181 to accept a copy of the declaration originally filed on 29 September 2006 is **GRANTED**.

The 04 September 2007 Notification of Missing Requirements is hereby **VACATED**.

The copy of the declaration originally submitted on 29 September 2006 and resubmitted on 29 September 2007 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 29 September 2006.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

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21 JUN 2007

22850
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, PC
1940 Duke Street
Alexandria, VA 22314

In re Application of KUMAR *et al* U.S. Application No.: 10/594,765 PCT No.: PCT/IB2005/00423 Int. Filing Date: 18 February 2005 Priority Date: 18 February 2004 Attorney Docket No.: 296841US28PCT For: NETWORK-BASED SYSTEM AND METHOD FOR GLOBAL ROAMING	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 29 September 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge 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.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Ono et al.	:	
Application No. 10/594,784	:	ON PETITION
Filed: September 29, 2006	:	
Attorney Docket No. 121036-0096	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

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0 9 OCT 2007

33197
STOUT, UXA, BUYAN & MULLINS LLP
4 Venture, Suite 300
Irvine, CA 92618

In re Application of WALLACE *et al* U.S. Application No.: 10/594,825 PCT No.: PCT/US2005/010266 Int. Filing Date: 29 March 2005 Priority Date: 29 March 2004 Attorney Docket No.: UCIVN-061US For: METHODS AND COMPOSITIONS FOR PRE-SYMPTOMATIC AND POST-SYMPTOMATIC DIAGNOSIS OF ALZHEIMER'S DISEASE . . .	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 18 September 2007 is hereby **GRANTED** as follows:

The basic national fee and 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 declaration in compliance with 37 CFR 1.497(a) and (b) was not 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 surcharge fee are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Fritz Feldmeier	: DECISION ON REQUEST FOR
Patent Number	: 7600622	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,878	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **345** 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.
10/594,904	04/25/2007	Kazuto Sakemura	46969-5456	8306

55694 7590 03/05/2009
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER
BOWMAN, MARY ELLEN

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/05/2009	PAPER

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

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

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 2005-1209

In re Application of:
Kazuto Sakemura :
Serial No.: 10/594,904 :
Filed: 04/25/2007 :
Attorney Docket No.: 46969-5456 :
Title: ELECTRON EMITTING DEVICE AND MANUFACTURING METHOD THEREOF AND IMAGE PICKUP DEVICE OR DISPLAY DEVICE USING ELECTRON EMITTING DEVICE :

DECISION *SUA SPONTE* WITHDRAWING THE HOLDING OF ABANDONMENT

This is a decision, sua sponte, withdrawing the holding of abandonment of the above-identified application.

A Notice of Abandonment was mailed on 2/25/2009. The application was held abandoned for failure to timely file a proper reply to the Non-Final Office Action mailed on 8/31/2008. The Non-Final Office Action set a three (3) month period for response.

A review of the application record reveals an amendment and a petition for three month of extension of time along with appropriate fees were received on 2/10/2009. The amendment and petition for three month extension of time were timely since they were filed within the six month statutory period for response.

Accordingly, the Notice of Abandonment mailed on 2/25/2009 is hereby VACATED and the holding of abandonment is withdrawn.

The Amendment filed on 2/10/2009 will be entered and forwarded to the examiner for further examination.

Any inquiries regarding this decision should be directed to Nimeshkumar D. Patel at (571) 272-2457.

Cassandra Spyrou, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Washington, DC 20005-1209

In re Application of
YOSHIDA *et al*
U.S. Application No.: 10/594,905
PCT No.: PCT/JP05/006325
Int. Filing Date: 31 March 2005
Priority Date: 31 March 2004
Attorney Docket No.: 47487-0005-00-US
For: PERIPHERAL BLOOD FLOW-IMPROVING COMPOSITION

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Correction of Inventors Pursuant to 37 C.F.R. § 1.497(d)" filed 01 August 2007.

BACKGROUND

On 05 June 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 01 August 2007, applicants filed the subject response which was accompanied by, *inter alia*, a $130.00 surcharge fee; a signed declaration; a statement by two of the four named inventors; and a $130.00 petition fee.

DISCUSSION

Applicants claim that the international application "mistranslated" two of the inventors' names. The international publication ("WO 2005/094860") listed two inventors as Yuji YOSHIDA and Yuta MATSUMOTO. Applicants request to change their names to Hirofumi KODA and Takehiro MATSUMOTO respectively.

Applicants submitted a petition under 37 CFR 1.497(d) to initiate this correction. Applicants also included an executed declaration with the proposed changes to the names of the two inventors.

Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is

discovered, the Office should simply be notified of the error. A petition under 37 CFR 1.48 (or 37 CFR 1.497(d)) is not required.

Nonetheless, the statements by the inventors that the mistake in the international publication was merely a typographical error is not accepted. The difference in the names are too great to be a typographical error. Counsel claims that the difference in the names was a mistranslation. However, further information on this claim was provided and this assertion is in conflict with the statements signed by the inventors. More information is required to accept counsel's statement.

CONCLUSION

For the reasons discussed above, applicants' petition is **DISMISSED** without prejudice.

The declaration filed 01 August 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

Applicants must provide either a grantable petition under 37 CFR 1.182 to change the names of the inventors, or submit an adequate explanation of the discrepancy in the names within **ONE (1) MONTH** from the mail date of this communication, or any time remaining in the Form PCT/DO/EO/905 mailed 05 June 2007, whichever is longer. Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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55694
DRINKER, BIDDLE & REATH
1500 K Street, N.W.
Suite 1100
Washington, DC 20005-1209

In re Application of YOSHIDA *et al* U.S. Application No.: 10/594,905 PCT No.: PCT/JP05/006325 Int. Filing Date: 31 March 2005 Priority Date: 31 March 2004 Attorney Docket No.: 47487-0005-00-US For: PERIPHERAL BLOOD FLOW-IMPROVING COMPOSITION	:	**DECISION**

This is a decision on applicants' "Supplemental Submission in Support of Correction of Inventors" filed 29 October 2007.

BACKGROUND

On 20 September 2007, a decision dismissing applicant's petition under 37 CFR 1.497(d) was mailed. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905 mailed 05 June 2007, whichever is longer.

On 29 October 2007, applicants filed the subject response which was accompanied by, *inter alia*, authorization to charge any required fee to Deposit Account No. 50-0573.

DISCUSSION

On 01 August 2007, applicants submitted a declaration signed by three inventors: Hirofumi KODA, Yoshinobu KISO and Takehiro MATSUMOTO. The international publication listed the inventors as Yuji YOSHIDA, Yoshinobu KISO and Yuta MATSUMOTO. For this reason, applicants submitted a petition to correct the inventors pursuant to 37 CFR 1.497(d).

The petition was dismissed in a decision mailed 20 September 2007. The decision notified applicants that if there is only a transliteration error in the spelling of an inventor's name then a petition is not required, the Office should simply be notified of the error. *See* § 201.03 MPEP. However, due to the difference in the name of the first inventor, applicants were requested to provide further information.

In the papers filed 29 October 2007, counsel has provided the additional

information as requested. Counsel affirms that the error made of the names of the two inventors in the PCT application was simply a translation error and that the individuals listed on the PCT application are the same as listed on the declaration. Counsel states that Hirofumi KODA was misread and translated as Yuji Yoshida. This error arose when the original Kanji characters were erroneously translated into the English language due to the fact that both Hirofuma and Loda are pronounced in more than one Japanese way. Moreover, counsel also asserts that the kanji characters for Takehiro were mistranslated.

This explanation is sufficient.

CONCLUSION

The declaration filed 01 August 2007 complies with 37 CFR 1.497(a) and (b).

The subject response was filed more than one month from the mail date of the prior decision. Thus, a three-month extension of time fee is required. This fee has been charged to Deposit Account No. 50-0573 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 31 March 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **01 August 2007**.

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

James Thomson

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Office of PCT Legal Administration

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222 EAST 41ST ST
NEW YORK NY 10017

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MAR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Xiangbin Wang, et al.	:	DECISION ON PETITION
Application No. 10/594,908	:	TO WITHDRAW
Filed: January 8, 2009	:	FROM RECORD
Attorney Docket No. **11774-006-999**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 21, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the 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 *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.*

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: **PHILIP ZHANG, PH.D., ESQ.**
MILSTEIN ZHANG & WU LLC
49 LEXINGTON STREET, SUITE 6
NEWTON, MA 02465

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

Mail Date: 04/20/2010

Applicant	: Kazuwa Nakao	: DECISION ON REQUEST FOR
Patent Number	: 7642243	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,920	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/29/2006	: 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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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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OFFICE OF PETITIONS

In re Application of
LEE, et al.
Application No. 10/594,928
Filed: September 29, 2006
Attorney Docket No. 31656-236917

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 12, 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 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
Stephan Reith	:	
Application No. 10/594,956	:	DECISION ON PETITION
Filed: September 29, 2006	:	
Attorney Docket No. BE-189PCT	:	

This is a decision on the petition, filed April 13, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed September 18, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 27, 2009.

Petitioner asserts that the Office action dated September 18, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the 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 and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Newton Edwards at (571) 272-6052 or in his absence to the undersigned at (571) 272-7099.

This application is being referred to the Technology Center technical support staff of Art Unit 3724 for re-mailing the Office action of September 18, 2008. The period for reply will run from the mailing date of the Office action.

David Bucci
Petitions Examiner
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Tomoki Todo	: DECISION ON REQUEST FOR
Patent Number	: 7655459	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,964	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **118** 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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Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
10th Floor
865 S. Figueroa Street
Los Angeles, CA 90007

Mail Date: 04/21/2010

Applicant	: Takao Morita	: DECISION ON REQUEST FOR
Patent Number	: 7589451	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/594,982	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **282** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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07 SEP 2007

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

In re Application of YAMAUCHI	:	
U.S. Application No.: 10/594,988	:	
PCT Application No.: PCT/JP2005/003230	:	
Int. Filing Date: 21 February 2005	:	DECISION
Priority Date Claimed: 31 March 2004	:	
Attorney Docket No.: 12699/45	:	
For: POWER OUTPUT DEVICE AND	:	
AUTOMOBILE	:	

This is in response to applicant's "Response to Notification of Missing Requirements" filed 30 July 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 21 February 2005, applicant filed international application PCT/JP2005/003230, which claimed priority of an earlier Japan application filed 31 March 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 30 September 2006.

On 29 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 28 February 2007, applicant purportedly filed an executed declaration.

On 31 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 30 July 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 28 February 2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 28 February 2007, serves as *prima facie* evidence that the declaration was received by the USPTO on 28 February 2007.

CONCLUSION

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

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 31 May 2007 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 February 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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FOLEY AND LARDNER, LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

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AUG 20 2008

In re Application of	:	
LONGENECKER, B. Michael	:	
Application No. 10/594,992	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO WITHDRAW
Attorney Docket No. 042881-0227	:	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 17, 2008.

The request is DISMISSED as moot.

A review of the file record indicates that the power of attorney to FOLEY AND LARDNER, LLP has been revoked by the assignee of the patent application on August 13, 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: BROWDY AND NEIMARK, P.L.L.C.
624 9TH STREET NW, SUITE 300
WASHINGTON, DC 20001-5303

15 MAY 2007

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

In re Application of	:	
KAWASHIMA, Seiichiro et al.	:	
Application No.: 10/594,994	:	DECISION
PCT No.: PCT/JP05/06111	:	
Int. Filing Date: 30 March 2005	:	ON SUBMISSION UNDER
Priority Date: 31 March 2004	:	
Attorney's Docket No.: 295483US0PCT	:	37 CFR 1.42
For: Heterocyclic Compound And Anti-Malignant Agent Containing The Same Active Ingredient	:	

This communication is issued in response to applicants' submission on 17 January 2007 of a declaration executed on behalf of deceased co-inventor Seiichiro Kawashima by his heirs and legal representatives.

BACKGROUND

On 30 March 2005, applicant filed international application PCT/JP05/06111, claiming a priority date of 31 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2006.

On 29 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee and the surcharge for late filing of the oath or declaration.

On 17 January 2007, to satisfy the requirements of 37 CFR 371(c)(4), applicants filed a declaration of the inventors. The declaration was signed by co-inventors, Yoshio Tsuchida, Kenichi Saitoh, Tetsuo Watanabe and, Mitsuko Kawashima, Hiroto Kawashima and Masato Kawashima as heirs and legal representatives for deceased co-inventor Seiichiro Kawashima.

DISCUSSION

When an inventor has deceased, 37 CFR 1.42 permits the legal representative (executor, administrator, etc.) of the deceased inventor to execute the necessary oath or declaration and, apply for and obtain a patent.

With respect to the legal representative, MPEP 409.01(a) states that where no legal representative has been appointed or is required to be appointed by law, the application for a patent may also be made by all of the heirs of the deceased. Further, MPEP 409.01(a) states that the heirs need to identify themselves as legal representative of the deceased inventor.

37 CFR 1.497(b)(2) states:

> If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that (1) the person is a legal representative and the (2) citizenship, (3) residence and (4) mailing address of the legal representative.

A review of the declaration filed 17 January 2007 shows that Mitsuko Kawashima, Hiroto Kawashima and Masato Kawashima have executed the declaration as heir and legal representative for deceased co-inventor Shuji Takeuchi and have provided the statement required under item (1).

With regard to items (2)-(4), the residence, mailing address and citizenship of the persons signing on behalf of deceased co-inventor Seiichiro Kawashima have been provided. Also provided is the citizenship of deceased co-inventor Shuji Takeuchi.

The declaration filed 17 January 2007 is deemed acceptable under 37 CFR 1.497 (a)-(b).

CONCLUSION

Applicants' declaration filed 17 January 2007 under 37 CFR 1.42 is **ACCEPTED.**

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

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
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Office of PCT Legal Administration
Telephone: (571) 272-3297
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Stefan Staicovici
PCT Legal Examiner
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PLANO TX 75024

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OFFICE OF PETITIONS

In re Application of :
Per Atle VALAND :
Application No. 10/595,013 : DECISION ON PETITION
Filed: December 16, 2005 :
Attorney Docket No. P18272-US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440.00 and publication fee of $300.00; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason 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

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

0 8 FEB 2007

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of HENRICSON et al. Application No.: 10/595,053 PCT No.: PCT/FI04/00373 Int. Filing: 17 June 2004 Priority Date: 30 June 2003 Attorney Docket No.: 30-580 For: METHOD FOR TREATING PULP IN CONNECTION WITH THE BLEACHING OF CHEMICAL PULP	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 January 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay from when the national phase was scheduled to be filed and the filing of this application was unintentional" has been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $300 has now 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), is required.

Cynthia M. Kratz

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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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Mail Date: 04/21/2010

Applicant	: Tushar A. Kshirsagar	: DECISION ON REQUEST FOR
Patent Number	: 7648997	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,058	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **610** 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 6 JAN 2009

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
TENRA	:	
Application No.: 10/595,081	:	
PCT No.: PCT/JP05/01874	:	COMMUNICATION
Int. Filing Date: 02 February 2005	:	
Priority Date: 04 February 2004	:	
Attorney Docket No.: MAT-8798US / P37912-02	:	
For: VACUUM HEAT INSULATOR, MANUFACTURING METHOD OF THE SAME, HOT-INSULATION COLD-INSULATION APPARATUS HAVING THE SAME, AND HEAT INSULATION BOARD	:	

This communication is in response to applicant's facsimile correspondence filed 15 January 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 February 2005, applicant filed international application PCT/JP05/04558 which claimed priority to an earlier application filed 04 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. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 August 2006.

On 01 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an Information Disclosure Statement, an executed combined declaration and power of attorney; an Application Data Sheet and a First Preliminary Amendment.

On 13 July 2006, applicant was mailed a "Notice of Acceptance of Application Under 35 U.S.C. 371 And 37 CFR 1.495" (Form PCT/DO/EO/903).

On 15 January 2009, applicant filed the paper considered herein indicating that the applicant had discovered an error on the English translation of the international application.

DISCUSSION

Applicant has indicated that the previously filed English translation of the international

application contained an error. As such, the mailing of the Form PCT/DO/EO/903 was in error and will be vacated.

CONCLUSION

The Form PCT/DO/EO/903 mailed 13 July 2006 is hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision including the mailing of a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a correct English translation of the international application is required.

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
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Patent No. : **7715464**
Ser. No. : **10/595115**
Inventor(s) : **JONSSON, ELIAS**
Issued : **05/11/2010**
Title : **POSITIONING OF A PATH SEARCHER WINDOW IN A CDMA RECEIVER**
Docket No. : **P18171-US2**

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.

In regards to the alleged error(s) in the Specification, the patent is printed in accordance with the Specification filed by the Applicant/Attorney on 2-21-06.

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

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

6300 Legacy, MS EVR 1-C-11
Plano, TX 75024

OL

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CLARK & ELBING, LLP
101 FEDERAL STREET
BOSTON, MA 02110

COPY MAILED

JUN 27 2008

OFFICE OF PETITIONS

Applicant: Van Den Mooter, et al.
Appl. No.: 10/595,119
International Filing Date: August 25, 2004
Title: PARTICLE SIZE REDUCTION OF BIOACTIVE COMPOUNDS
Attorney Docket No.: 50304/115001
Pub. No.: US 2007/0082054 A1
Pub. Date: April 12, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 4, 2007, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a), [2] which says the following, in part:

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. Applicant did not file a specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

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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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Mail Date: 04/27/2010

Applicant	: Guy Van Den Mooter	: DECISION ON REQUEST FOR
Patent Number	: 7666307	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/595,119	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **688** 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.

3 1 MAR 2009

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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of	:	
BARAK	:	
U.S. Application No.: 10/595,170	:	
PCT No.: PCT/IL04/00822	:	
Int. Filing Date: 09 September 2004	:	DECISION ON PETITION
Priority Date: 16 September 2003	:	UNDER 37 CFR 1.182
Attorney Docket No.: 7044-X07-067	:	
For: ORTHOPEDIC INSOLES FOR	:	
PROTECTING THE METATARSAL	:	
HEADS OF THE FOREFOOT	:	

This decision is issued in response to applicant's "Request For Correction of Filing Receipt" filed 24 March 2008 and "Petition Under 37 CFR 1.181(a) to Withdraw The Holding of Abandonment" filed 01 December 2008. The petition seeks to correct the bibliographic data (international application number and title of invention) for the national stage application papers filed 16 March 2006, so as to allow such materials to be treated as the U.S. national stage of PCT/IL04/00822. For the reasons detailed below the filings are being treated as a petition under 37 CFR 1.182 to excuse applicant's error upon filing. The required $400 petition fee has been charged to deposit account number 50-0601 as authorized.

BACKGROUND

On 09 September 2004, applicant filed international application PCT/IL04/00822, which claimed priority of an earlier application filed 16 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 March 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 March 2006.

On 16 March 2006, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 10/595,170.

On 21 December 2006, applicant was mailed a "Notification of Insufficient Fees (DO/EO/US) (Form PCT/DO/EO/923) informing applicant that an additional $265.00 in fees was required. The notice identified the international application number as PCT/IB04/00822. Applicant was afforded two months to respond.

On 24 March 2008, applicant filed a request for corrected filing receipt indicating that the application was a U.S. National phase entry of international application PCT/IL04/00822.

On 24 July 2008, applicant was mailed a corrected filing receipt identifying the application as "a 317 of PCT/IL04/00822."

On 06 October 2008, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) for failure to respond to the Form PCT/DO/EO/923 mailed 16 March 2006.

On 01 December 2008, applicant filed the petition considered herein.

DISCUSSION

The materials filed 16 March 2006 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/IB04/00822. The bibliographic data entered by applicants as part of the electronic filing also identified the application as a U.S. national stage of PCT/IB04/00822. Included in applicant's filing was an Application Data Sheet which claimed priority to international application PCT/IL2004/000822. Thus, applicants' 16 March 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/IB2004/000822 and PCT/IL2004/000822.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/IB2004/000822, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

The bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 16 March 2006 can be treated as having been directed to international application PCT/IL2004/000822, as necessary to avoid abandonment of the international application with respect to the United States.

Here, applicants confirm that the correct international application is PCT/IL2004/000822 and the petition further states that the correct international application number was listed on the Application Data Sheet filed 16 March 2006. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 16 March 2006 and to permit such materials to be treated as having been directed to international application PCT/IL2004/000822.

Since the Form PCT/DO/EO/923 was mailed prior to applicant being informed of the

conflict as to the underlying international application, it is considered premature.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/IL2004/000822.

The Forms PCT/DO/EO/923 and PCT/DO/EO/909 are hereby **VACATED**.

The materials filed 16 March 2006 have been assigned U.S. application number 10/595,170 and will be treated as the national stage of PCT/IL2004/000822.

This application is being forwarded to the United States Designated/Elected Office for further processing including consideration of the declaration filed 16 March 2006.

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

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Christoph Ruedinger	: DECISION ON REQUEST FOR
Patent Number	: 7576228	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,174	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,191	03/22/2006	Tadashi Nakamura	49288.2300	4333

52044 7590 07/08/2009
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER
LEE, NICHOLAS J

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
07/08/2009	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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SNELL & WILMER L.L.P.
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of
NAKAMURA, TADASHI
Application No. 10/595,191
Filed: March 22, 2006
For: **DRIVE DEVICE**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed August 23, 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 awaiting appropriate response from Applicant to the Non-final Office Action mailed May 26, 2009.

/Doris To/

Doris To
Special Program Examiner
Technology Center 2600
Communications

08 SEP 2006

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IPLA P.A.
3580 Wilshire Blvd.
17th Floor
Los Angeles, CA 90010

In re Application of :
PARK, CHA CHEOL :
Application No.: 10/595,212 : DECISION ON REQUEST
PCT No.: PCT/KR04/02459 :
Int. Filing Date: 24 September 2004 :
Priority Date: 26 September 2003 :
Attorney Docket No.: 2017-73 :
For: COMFORTABLE SHOE

This decision is issued in response to applicant's "Request of Inventor's Name Correction" filed 24 March 2006. Applicant is notifying the Office that the name of the sole inventor is Cha Cheol Park as indicated on the declaration rather than Park Cha Cheol as indicated on the published international application. Applicant's request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

Applicant states in the present petition that, "the inventor's first name and last name are reversed in the international application." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the inventor's name is accepted and noted for the record.

For the reasons above, the request 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 24 March 2006.

Anthony Smith

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

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AUG 29 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of

HELTON, David R. et al.
Application No. 10/595,219
Filed: November 16, 2006
Attorney Docket No. **420052004700**

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 01, 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 Catherine M. Polizzi 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.

There are no outstanding office actions at this time.

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **DAVID R. HELTON**
19 AVIGNON AVENUE
FOOTHILL RANCH, CA 92610

cc: **MICHAEL FEDRICK**
SHELDON MAK ROSE & ANDERSON
100 E. CORSON STREET, THIRD FLOOR
PASADENA, CA 91103-3842

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/595,219	11/16/2006	David Helton	420052004700

CONFIRMATION NO. 4859

OC000000025568236

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 08/27/2007

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.

Michelle R. Edgar

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

FORMER ATTORNEY/AGENT COPY

0 1 OCT 2007

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
Haglund et al.	:	
Application No. 10/595,236	:	DECISION ON
PCT No.: PCT/NO04/00288	:	
Int. Filing Date: 29 September 2004	:	PETITION UNDER
Priority Date: 29 September 2003	:	
Atty. Docket No.: HAMS/0003	:	37 CFR 1.182
For: Method For Reducing The Time	:	
Delay In A Telephone System	:	

This is in response to the petition under 37 CFR 1.182 filed on 28 June 2007.

BACKGROUND

International application PCT/NO04/00288 was filed on 29 September 2004, claimed an earliest priority date of 29 September 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 07 April 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 March 2006. Applicants filed, *inter alia*, a basic national fee on 29 March 2006.

DISCUSSION

Petitioner states in part that

> Applicants submit that the above-referenced application is a U.S. National Phase application based on International Application No. PCT/NO2004/000288 as published in International Publication No. WO 2005/032002.
>
> Upon electronic filing of the application, the incorrect application number of PCT/US2004/000288 was entered in place of the correct application number of PCT/NO2004/000288. Applicants submit that this error was unintentional...
>
> Applicants request the correction of the priority application number to recite International Application No. PCT/NO2004/000288...

Inspection of the application papers filed on 29 March 2006 reveals that reference was made to international application PCT/NO2004/000288 (e.g., on the unsigned declaration and on the English translation). These indicia conflict with the International Application Number of "PCT/US04/00288" shown on the Electronic Acknowledgement Receipt. Resolution of this matter requires a proper petition (and fee) under 37 CFR 1.182.

As quoted above, the instant petition indicates that the items filed on 29 March 2006 were intended to be directed to the United States national phase of PCT/NO2004/000288 rather than PCT/US04/00288 as shown on the Electronic Acknowledgement Receipt. Petitioner attributes the discrepancy to an "error," but has not provided a statement made on the basis of first-hand knowledge describing the nature of the error (e.g., whether the discrepancy arose from a typographic or transcription error, or some other cause). Petitioner should also confirm the nature of the relief requested, since "correction of the priority application number" does not clearly imply correction of the identity of the international application for which national stage entry is sought.

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 file a timely reply will result in **ABANDONMENT**.

Petitioner's Deposit Account 20-0782 is being charged for the $400.00 petition fee under 37 CFR 1.182, as authorized by the instant petition.

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

10/01/2007 SBASHEIR 00000003 200782 10595236
01 FC:1462 400.00 DA

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
Haglund et al.	:	
Application No. 10/595,236	:	DECISION ON
PCT No.: PCT/NO04/00288	:	
Int. Filing Date: 29 September 2004	:	PETITION UNDER
Priority Date: 29 September 2003	:	
Atty. Docket No.: HAMS/0003	:	37 CFR 1.182
For: Method For Reducing The Time	:	
Delay In A Telephone System	:	

This is in response to the "Request For Reconsideration" filed on 18 October 2007, which is being treated as a renewed petition under 37 CFR 1.182.

DISCUSSION

In a Decision mailed on 01 October 2007, the petition under 37 CFR 1.182 filed on 28 June 2007 was dismissed without prejudice because

> Inspection of the application papers filed on 29 March 2006 reveals that reference was made to international application PCT/NO2004/000288 (e.g., on the unsigned declaration and on the English translation). These indicia conflict with the International Application Number of "PCT/US04/00288" shown on the Electronic Acknowledgement Receipt. Resolution of this matter requires a proper petition (and fee) under 37 CFR 1.182.
>
> ...the instant petition indicates that the items filed on 29 March 2006 were intended to be directed to the United States national phase of PCT/NO2004/000288 rather than PCT/US04/00288 as shown on the Electronic Acknowledgement Receipt. Petitioner attributes the discrepancy to an "error," but has not provided a statement made on the basis of first-hand knowledge describing the nature of the error (e.g., whether the discrepancy arose from a typographic or transcription error, or some other cause). Petitioner should also confirm the nature of the relief requested, since "correction of the priority application number" does not clearly imply correction of the identity of the international application for which national stage entry is sought.

In response, petitioner states (in part) that

> Upon electronic filing of the application, a typographical error was made when entering the international application number... Applicants request correction of the identity of the international application for which national stage entry is sought to International Application No. PCT/NO2004/000288.

In view of counsel's explanation of the origin of the discrepancy, and clarification of the relief sought, it now would be appropriate to grant the requested relief.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage of International Application PCT/NO2004/000288. This processing includes updating the electronic records of the USPTO to show this application to be the U.S. national stage of International Application PCT/NO2004/000288. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **25 June 2007**.

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

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

MAILED

APR 20 2009

OFFICE OF PETITIONS

Applicant: Haglund et al.
Appl. No.: 10/595,236
International Filing Date: January 7, 2004
Title: METHOD FOR REDUCING THE TIME DELAY IN A TELEPHONE SYSTEM
Attorney Docket No.: HAMS/0003
Pub. No.: US 20070087744 A1
Pub. Date: April 19, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 18, 2008, for the above-identified application.

The request is DISMISSED.

Requester seeks correction of an international application number. However, as stated by applicant in a petition filed June 28, 2007, the instant application was filed with the incorrect international application number. Therefore, the error is not Office error. 37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." Since this is not an Office error, no relief is provided for under 37 CFR 1.221(b).

37 CFR 1.221(b) additionally states: "[a]ny 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." The request was filed outside the two month time window; therefore no relief is provided for under 37 CFR 1.221(b).

Furthermore, since the application has been abandoned, the request is deemed moot.

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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25 SEP 2006

HENRY M FEIEREISEN, LLC
350 FIFTH AVENUE
SUITE 4714
NEW YORK, NY 10118

In re Application of	:	
PFANNSCHMIDT, Bernd	:	
Application No.: 10/595,250	:	DECISION ON
PCT No.: PCT/EP04/10901	:	
Int. Filing Date: 29 September 2004	:	PETITION
Priority Date: 30 September 2003	:	
Attorney Docket No.: PFANNSCHMIDT-4	:	UNDER 37 CFR 1.182
For: DIRECT ELECTRICAL DRIVE	:	

This decision is in response to applicants' "Petition Under 37 CFR §1.81," filed with the United States Patent and Trademark Office on 12 May 2006. It has been treated as a petition under 37 CFR 1.182. The petition fee will be charged to deposit account no. 06-0502, as authorized.

BACKGROUND

On 30 March 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers listed international application no. PCT/EP04/10901, but the data entered indicated international application no. PCT/EP01/10901

On 12 May 2006 and 07 June 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/EP04/10901.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/EP04/10901. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/EP04/10901.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including mailing of a Notification of

Missing Requirements indicating that an oath or declaration and the surcharge for late filing of 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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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Issey Yamamoto	: DECISION ON REQUEST FOR
Patent Number	: 7652213	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,259	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **137** 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 7 JAN 2009

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
UNO et al.	:	
Application No.: 10/595,276	:	
PCT No.: PCT/JP2005/008926	:	
Int. Filing Date: 17 May 2005	:	DECISION
Priority Date: 15 February 2005	:	
Attorney Docket No.: 36856.1431	:	
For: Power Supply Unit	:	

This is in response to the petition under 37 CFR 1.182 filed on 20 July 2008.

BACKGROUND

International application PCT/JP2005/008926 was filed on 17 May 2005, claimed an earlier priority date of 15 February 2005, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 24 August 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 15 August 2007. On 04 April 2006, applicants paid a basic national fee in 10/595,276.

DISCUSSION

Petitioner states (in part) that

> Applicant inadvertently listed the wrong PCT Application Number (PCT/JP2005/038230) when filing this application. Applicant respectfully requests that the PCT Application Number be corrected to PCT/EP2007/008926.

Review of the application file reveals that the Electronic Acknowledgment Receipt dated 04 April 2006 refers to "PCT/JP05/38230." However, the declaration filed on 04 April 2006 refers to PCT/JP2005/008926. As such, it is not sufficiently clear which international application was intended to enter the national stage. The title, priority application number and inventive entity shown on said declaration appear consistent with those shown on the published international application PCT/JP2005/008926. However, petitioner asserts that this application was intended as the national stage in the United States of a third international application, PCT/EP2007/008926. Petitioner is required to explain this discrepancy and clarify which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." 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

17 MAR 2009

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
UNO et al.	:	
Application No.: 10/595,276	:	
PCT No.: PCT/JP2005/008926	:	
Int. Filing Date: 17 May 2005	:	DECISION
Priority Date: 15 February 2005	:	
Attorney Docket No.: 36856.1431	:	
For: Power Supply Unit	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 29 January 2009.

DISCUSSION

In a Decision mailed on 27 January 2009, the petition under 37 CFR 1.182 filed on 20 July 2008 was dismissed, without prejudice, because

> *Review of the application file reveals that the Electronic Acknowledgment Receipt dated 04 April 2006 refers to "PCT/JP05/38230." However, the declaration filed on 04 April 2006 refers to PCT/JP2005/008926. As such, it is not sufficiently clear which international application was intended to enter the national stage. The title, priority application number and inventive entity shown on said declaration appear consistent with those shown on the published international application PCT/JP2005/008926. However, petitioner asserts that this application was intended as the national stage in the United States of a third international application, PCT/EP2007/008926. Petitioner is required to explain this discrepancy and clarify which international application was intended to enter the national stage under 35 U.S.C. 371.*

In response, petitioner clarifies that

> The correct PCT Application Number for this application is PCT/JP2005/008926. In the previous Petition under 37 CFR § 1.182 filed January 20, 2009, Applicant inadvertently listed the PCT Application Number with the wrong country code, EP instead of JP.

In view of the totality of the evidence of record, including the clarifying statement quoted above, it would be appropriate to regard this application as the national stage under 35 U.S.C. 371 of PCT/JP2005/008926.

DECISION

The petition under 37 CFR 1:182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/JP2005/008926, including of the electronic (PALM) records of the USPTO to reflect the correct international application number. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 April 2006**.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,280	01/18/2007	Heinz Mueller	C 2861 PCT/US	6680

7590 04/03/2009
SMITH MOORE LEATHERWOOD LLP
P.O. BOX 21927
GREENSBORO, NC 27420

EXAMINER
FIGUEROA, JOHN J

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
04/03/2009	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.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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Paper No.

MCGARRY BAIR PC
32 Market Ave. SW
SUITE 500
GRAND RAPIDS MI 49503

MAILED
APR 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Creswell et al.	:	DECISION ON APPLICATION
Application No. 10/595,281	:	FOR
Filed: November 22, 2006	:	PATENT TERM ADJUSTMENT
Atty Docket No. 70038-0068	:	

This is a decision on the "Request for Reconsideration of Patent Term Adjustment Under 35 U.S.C. § 154 and 37 C.F.R. § 1.705(b)," filed March 24, 2009. Applicants request that the initial determination be corrected from a patent term extension of zero (0) days to a patent term adjustment of one hundred forty-seven (147) 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 **one hundred forty-seven (147)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 18, 2009, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term extension (PTE) to date is 0 days. On March 24, 2009, applicants timely submitted an application for patent term adjustment (with required fee)[1]. Applicants maintain that the initial determination of patent term adjustment is 147 days including

[1] PALM records indicate that the Issue Fee payment was filed on June 11, 2009.

177 days for Office failure to mail a first action under 35 U.S.C. 132 and 30 days for applicant delay in filing a response.

The record supports a conclusion that the patent issuing from the application is not subject to a terminal disclaimer.

Applicants are correct. As this international application was filed after May 29, 2000, the provisions of 35 U.S.C. 154(b) related to adjustment of patent term due to administrative delays apply. Accordingly, pursuant to § 1.703(a)(1), a period of adjustment of 177 days should have been entered for Office delay in mailing the first Office action (counting the number of days in the period beginning on, January 23, 2008, the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, and ending on the date of mailing of an action under 35 U.S.C. 132, July 17, 2008).

Additionally, pursuant to § 1.704(b), a period of reduction of 30 days for applicant delay should have been entered. Applicants took in excess of three months to file a response to the non-final Office action mailed September 10, 2008. A response was not received until January 9, 2009, three months and 30 days later.

In view thereof, the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred forty-seven (147) days.

The revised patent term adjustment calculated at the time of the issuance of the patent (and reflected on the issued patent) should properly include any adjustment to term under the provisions of patent term adjustment for examination delay. Any request for reconsideration of the patent term adjustment indicated on the patent is by way of a request for reconsideration of patent term adjustment pursuant to 37 CFR 1.705(d). Any such request must be filed within 2 months of issuance of the patent.

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

The application file is being forwarded to the Office of Patent Publication for issuance of the patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Attachment: Copy of Revised PAIR Screen

PALM INTRANET

Day : Friday
Date: 4/9/2010
Time: 07:32:53

PTE Calculations for Application: 10/595281			
Application Filing Date:	11/22/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	147
PTO Delay Adjustment:	147		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	04/09/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
46	04/09/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	177		
33	03/18/2009	MAIL NOTICE OF ALLOWANCE			
32	03/13/2009	ISSUE REVISION COMPLETED			
31	03/13/2009	DOCUMENT VERIFICATION			
30	03/15/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
29	03/12/2009	NOTICE OF ALLOWABILITY			
25	02/21/2009	DATE FORWARDED TO EXAMINER			
24	01/09/2009	RESPONSE AFTER NON-FINAL ACTION			
23	01/09/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	09/10/2008	MAIL NON-FINAL REJECTION			
21	09/09/2008	NON-FINAL REJECTION			
20	08/20/2008	DATE FORWARDED TO EXAMINER			
19	08/18/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
18	08/18/2008	NEW OR ADDITIONAL DRAWING FILED			
17	07/17/2008	MAIL RESTRICTION REQUIREMENT			
16	07/17/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
14	12/22/2007	CASE DOCKETED TO EXAMINER IN GAU			
11	09/21/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	08/30/2007	PG-PUB ISSUE NOTIFICATION			
8	06/03/2007	APPLICATION DISPATCHED FROM OIPE			
7	11/22/2006	371 COMPLETION DATE			
6	05/29/2007	SENT TO CLASSIFICATION CONTRACTOR			
5	05/29/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			

4	11/22/2006	ADDITIONAL APPLICATION FILING FEES			
3	11/22/2006	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

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SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington, RI 02806

Mail Date: 04/27/2010

Applicant	: Heikki Laamanen	: DECISION ON REQUEST FOR
Patent Number	: 7599386	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/595,292	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

United States Patent and Trademark Office

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

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON TX 77079

22 SEP 2006

In re Application of	:	
Lowiecki	:	
Application No.: 10/595,296	:	DECISION
PCT No.: PCT/PL04/00062	:	
Int. Filing Date: 09 August 2004	:	ON
Earliest Priority Date: 05 September 2003	:	
Attorney Docket No.: PALL-00101-NUS	:	PETITION
For: Fish-Hook Top	:	

The petition to revive under 37 CFR 1.137(b) filed 06 April 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, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), an English translation of the international application, the surcharge under 37 CFR 1.492(h), and the processing fee under 37 CFR 1.492(i).

George M. 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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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Arkadiusz Lowiecki	:	
Application No. 10/595,296	:	DECISION ON PETITION
Filed: April 6, 2006	:	TO WITHDRAW
Attorney Docket No. PALL-00101-NUS	:	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 16, 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 Matthias Scholl on behalf of all attorneys of record who are associated with customer No. 33794. All attorneys/agents associated with the Customer Number 33794 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed October 8, 2008 that requires a reply from the applicant.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ARKADIUSZ LOWIECKI
UL. OBOZOWA 1
SLUBICE 69-100 POLAND

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/595,296	02/10/2007	Arkadiusz Lowiecki	PALL-00101-NUS

CONFIRMATION NO. 7038

POWER OF ATTORNEY NOTICE

33794
MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

OC000000035027434

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/16/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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03 JAN 2007

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

In re Application of:	:	
TOYODA, Haruhisa, et al.	:	DECISION
U.S. Application No.: 10/595,314	:	
PCT No.: PCT/JP2004/014477	:	
International Filing Date: 01 October 2004	:	
Priority Date: 15 October 2003	:	
Attorney Docket No.: 20239/0203926	:	
For: PROCESS FOR PROCUDING SOFT MAGNETISM MATERIAL, SOFT MAGNETISM MATERIAL, AND POWDER MAGNETIC CORE	:	

This decision is issued in response to the "Amendment – Request under Rule 48 Correcting Inventorship" filed by applicants on 27 October 2006. No petition fee is required.

BACKGROUND

On 01 October 2004, applicants filed international application PCT/JP2004/014477. The application claimed a priority date of 15 October 2003, and it designated the United States. On 28 April 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., 15 April 2006. The published international application identified five applicant/inventors for purposes of the U.S.: Haruhisa TOYODA, Hirokazu KUGAI, Kazuhiro HIROSE, Naoto IGARASHI, and Takao NISHIOKA.

On 07 April 2006, applicants filed electronically via EFS-Web a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, an executed declaration, and an Application Data Sheet (ADS). The five inventors listed on the declaration and the ADS correspond to those listed on the international application, as does the name of the first inventor set forth on the Form PTO-1390 Transmittal Letter. However, the first named inventor was identified as Hiroko LAVIETES in the data field provided as part of the EFS-Web filing process.

On 27 October 2006, applicants filed the "Amendment – Request under Rule 48 Correcting Inventorship" considered herein. This submission seeks to correct the application so

as to remove the indication of Hiroko LAVIETES as an inventor and thereby have the inventors of record for this application correspond to those listed on the ADS and the declaration.

DISCUSSSION

As noted above, the declaration and ADS filed by applicants on 07 April 2006 correctly identified the inventors of record herein. When processing the application papers, the USPTO identifies the named inventors from the filed declaration and ADS, not the bibliographic information provided as part of the electronic filing. Accordingly, the error in the inventor's name contained in the bibliographic data entered by applicants when filing the electronic application will be corrected by the USPTO during its ordinary processing of the application. A petition or amendment to make such correction is therefore unnecessary; the present request to correct inventorship is moot.

CONCLUSION

Applicants' request to correct inventorship herein is **DISMISSED** as moot.

The indication of Hiroko LAVIETES as an inventor herein, contained in the bibliographic material entered as part of the electronic application filing, will be removed from the application during processing.

The inventors listed on the ADS and declaration filed 07 April 2006 will be entered as the named inventors in the present national stage filing. As noted above, these inventors correspond to the inventors of record set forth in the published international application.

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.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	LAWRENCE, Eric Clay
Serial Number	:	10/595,318
Filing Date	:	April 7, 2006
Title	:	Dual Line Conveyor System and Method
Group/Art Unit	:	To Be Assigned 1761
Examiner	:	To Be Assigned

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR § 371, MPEP § 1893.03 AND § 708.02, VIII

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

Dear Sir:

The Applicant hereby submits this written Petition to Make Special for the above-identified application in accordance with the requirements of 37 CFR § 371, MPEP § 1893.03 and 708.02, VIII. The above-identified application has not received any examination by an examiner.

The above-identified application has received a Written Opinion prepared by the United States International Preliminary Examining Authority stating that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1)-(4) have been satisfied for all of the claims presented in the application entering the national stage. A copy of the written opinion has been filed in the IFW.

PETITION GRANTED

William Krynski,
Special Program Examiner
Technology Center 1700
APR 27 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

31 JAN 2007

Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Avenue
Nineteenth Floor
Cleveland, OH 44115

In re Application of WATERSON et al. Application No.: 10/595,320 PCT No.: PCT/GB04/03818 Int. Filing Date: 03 September 2004 Priority Date: 08 October 2003 Attorney Docket No.: IPLTP0105US For: A METHOD OF GASIFICATION OF WASTE	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 January 2007 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

0 4 FEB 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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RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 Euclid Ave., 19th Floor
Cleveland, Ohio 44115

In re Application of	:	DECISION ON
SAZIO et al	:	
Application No.: 10/595,321	:	
PCT No.: PCT/GB2004/004257	:	
Int. Filing Date: 08 October 2004	:	PETITION UNDER
Priority Date: 10 October 2003	:	
Attorney's Docket No.: DYOUP0312US	:	
For: FABRICATION OF SEMICONDUCTOR	:	
METAMATERIALS	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 05 September 2007.

BACKGROUND

On 08 October 2004, this international application was filed, claiming an earliest priority date of 10 October 2003. A copy of the intentional application was transmitted on 21 April 2005 to the USPTO from the International Bureau. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 July 2004. This international application became abandoned with respect to the United States at midnight on 10 April 2006 for failure to pay the required basic national fee.

On 07 April 2006, applicant 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, which was accompanied by, *inter alia*, an improperly filed executed declaration under PCT Rule 4.17(iv) signed on 29 October 2004. However, no national basic fee was filed at that time.

On 02 August 2007, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 5 September 2007, applicants faxed the instant petition under 37 CFR 1.137(b), which was accompanied by 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; (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 having submitted 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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23 MAR 2007

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of SAZIO et al. Application No.: 10/595,323 PCT No.: PCT/GB04/04268 Int. Filing: 08 October 2004 Priority Date: 10 October 2003 Attorney Docket No.: DYOUP0313US For: FABRICATION OF METAMATERIALS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

0 1 JUN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John Hoffman
Baker & Daniels LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802

In re Application of DENNERT et al. Application No.: 10/595,332 PCT No.: PCT/EP04/11238 Int. Filing Date: 08 October 2004 Priority Date: 09 October 2003 Attorney Docket No.: RBL0143 For: CONTROL OF CALL DELIVERY AND CALL FORWARDING OF TELECOMMUNICATION CONNECTIONS, ESPECIALLY IN MULTI-DEVICE CONFIGURATIONS	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:

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

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 03 2007

OFFICE OF PETITIONS

BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

In re Application of	:	
FRIEDRICH, Brent	:	
Application No. 10/595,334	:	DECISION ON REQUEST FOR
Filed: April 10, 2006	:	REVOCATION OF POWER
Attorney Docket No. **27726-102849**	:	OF ATTORNEY
	:	

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed March 16, 2007.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record remains unchanged and all future correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

Mail Date: 04/21/2010

Applicant	: Roger W. Avakian	: DECISION ON REQUEST FOR
Patent Number	: 7422789	: RECALCULATION of PATENT
Issue Date	: 09/09/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,354	: OF WYETH
Filed	: 04/12/2006	:
		:

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.

11 SEP 2006

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
Eshel et al.	:	
Application No.: 10/595,356	:	DECISION
PCT No.: PCT/IL02/00827	:	
Int. Filing Date: 14 October 2002	:	ON
Earliest Priority Date: 15 October 2001	:	
Attorney Docket No.: JMBDP0106US	:	PETITION
For: Fluid Dispensing Device	:	

The petition to revive under 37 CFR 1.137(b) filed 12 April 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 pursuant to 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 applicant has paid the petition fee. Applicant has also filed the required reply in the form of the basic national fee. As such, all of the requirements for relief under 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 3/9/09 Paper No.: —

TO SPE OF : ART UNIT 2831

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/595362 Patent No.: 2375578/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

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: Done

DIEGO GUTIERREZ
SUPERVISORY PATENT EXAMINER
SPE

2831
Art Unit

3/24/09

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE 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

Date Mailed: September 11, 2007

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

Applicant: Yamada et al.
Appl. No.: 10/595,375
Filing Date: June 30, 2006
Title: FLAME-RETARDANT INJECTION-MOLDED
Attorney Docket No.: 20692/0203861-US0
Pub. No.: US 2007/0142503 A1
Pub. Date: June 21, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 6, 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

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Adjustment date: 09/11/2007  KKING1
08/07/2007 INTEFSW  00002241 10595375
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OCT 13 2009

OFFICE OF PETITIONS

ARTHUR M DULA
LAW OFFICE OF ARTHUR M DULA
3106 BEAUCHAMP STREET
HOUSTON TX 77009

In re Application of	:	
Thomas Stoneman	:	
Application No. 10/595,379	:	ON PETITION
Filed: April 13, 2006	:	
Attorney Docket No. UG-PCT-US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2009, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is due on renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed July 28, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on October 29, 2008. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks item (1), the required reply. Petitioner has not submitted a reply of the July 28, 2008 Office action.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

07 JUL 2008

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DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

In re Application of: HESS, Christopher, et al. U.S. Application No.: 10/595,384 PCT No.: PCT/US2004/013483 International Filing Date: 30 April 2004 Priority Date: 15 October 2003 Atty's Docket No.: D5116-00051 For: METHOD AND CONFIGURATION FOR CONNECTING TEST STRUCTURES OR LINE ARRAYS FOR MONITORING INTEGRATED CIRCUIT MANUFACTURING	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition By Joint Inventor Filing On Behalf Of Other Joint Inventor Who Cannot Be Located (37 CFR 1.47(a))" filed 30 June 2008. Applicants have paid the required $200 petition fee.

BACKGROUND

On 30 April 2004, applicants filed international application PCT/US2004/013483. The international application claimed a priority date of 15 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., 15 April 2006.

On 13 April 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497.

On 30 June 2008, applicants filed the petition considered herein (with required extension fee). The petition requests acceptance of the declaration without the signature of non-signing inventor David GOLDMAN, whom applicants assert cannot be located after diligent effort.

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 one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, David GOLDMAN. The declaration includes an additional page which the co-operating inventor expressly executes on behalf of the non-signing inventor. 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), applicants assert that the non-signing inventor cannot be located. MPEP section 409.03(d) sets forth the requirements for showing that an inventor cannot be reached after diligent effort as follows:

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

Applicants here have provided a statement of Steven E. Koffs, with supporting documents, describing the efforts made to locate the non-signing inventor. This statement provides evidence that applicants have attempted to contact the inventor at his last known address (which is no longer current), and that applicants unsuccessfully attempted to obtain a current address for the inventor from his former employer and though a restricted internet search.

The efforts described by applicants are too limited to demonstrate a diligent effort to locate the non-signing inventor. Specifically, applicants' efforts, as exemplified by the internet search, were limited to Las Vegas, Nevada, the inventor's former city of residence. Applicants must provide a proper showing that a diligent search for the inventor that extends beyond the limits of Las Vegas has been undertaken, and that such a search has failed to identify a current address for the inventor, before item (4) of a grantable petition can be considered satisfied. Applicants should note that, any subsequent showing with respect to a diligent search should include, but not be limited to, a broader internet search for the inventor, with the results of such a search being made of record herein.

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 3 SEP 2008

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

In re Application of: HESS, Christopher, et al. U.S. Application No.: 10/595,384 PCT No.: PCT/US2004/013483 Int'l Filing Date: 30 April 2004 Priority Date: 15 October 2003 Atty Docket No.: d5116-00051 For: METHOD AND CONFIGURATION FOR CONNECTING TEST STRUCTURES ON LINE ARRAYS FOR MONITORING INTEGRATED CIRCUIT MANUFACTURING	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(a)" filed 29 August 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 07 July 2008, which dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy the requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor cannot be located after diligent effort.

On 29 August 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes supplemental materials describing additional efforts made to locate the non-signing inventor David GOLDMAN. These materials, in combination with those previously filed, provides an acceptable showing that the non-signing inventor 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 David GOLDMAN.

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 30 June 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mr. David GOLDMAN
1290 S. Monte Cristo Way
Las Vegas, Nevada 89117-1411

In re Application of: HESS, Christopher, et al.
U.S. Application No.: 10/595,384
PCT No.: PCT/US2004/013483
Int'l Filing Date: 30 April 2004
Priority Date: 15 October 2003
Atty Docket No.: d5116-00051
For: METHOD AND CONFIGURATION FOR CONNECTING TEST STRUCTURES ON LINE ARRAYS FOR MONITORING INTEGRATED CIRCUIT MANUFACTURING

Dear Mr. GOLDMAN:

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:
Steven E. Koffs
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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OFFICE OF PETITIONS

ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM MA 02451-1215

In re Application of :
Nowak et al. :
Application No. 10/595,390 :
Filed: September 6, 2006 :
Attorney Docket No. 101237-1P :
US

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed June 18, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is six hundred ten (610) days, not four hundred thirteen (413) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

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

---

[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 matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Kery A Fries

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

AstraZeneca

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nowak et al	Filed: 13 April 2006
Application No.: 10/595,390	Attorney Docket No.: 101237-1P US
PCT Application No.: PCT/GB2004/004307	Examiner: Rao, Deepak
Title: 4-(Pyrazol-3-ylamino)pyrimidine derivatives for use in the treatment of cancer	

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

PETITION TO REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT INDICATED IN THE NOTICE OF ALLOWANCE UNDER 35 USC 154(b) AND 37 CFR 1.705

Sir:

Applicants hereby request that the Patent Term Adjustment (PTA) for the above-identified application be reconsidered. Applicants believe that the PTA of 413 days for the above application is incorrect and that the PTA to which Applicants are entitled is 610 days. This request is being submitted prior to the payment of the issue fee and is therefore timely.

A petition fee under 37 CFR Section 1.18(e) is included herewith.
This patent is not subject to a terminal disclaimer.

PATENT TERM ADJUSTMENT (PTA) CALCULATIONS

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the PTA (copy attached herein as pages 4 and 5 and incorporated by reference) as follows: The PTO mailed a delayed first action on December 23, 2008, thereby according a PTO Delay of 413 days 35 USC 154(b)(1)(A). Applicants do not dispute this calculation.

THE PTO HAS FAILED TO AFFORD PTA UNDER 35 USC 154(b)(1)(B) FOR PTO DELAY

4) The actual filing date of the Application is April 13, 2006. Under 154 (b)(1)(B)

> [I]f the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the **actual filing date of the application** in the United States, not including— (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);. . . . the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. (emphasis added)

If the patent issues on the Tuesday after 28 weeks after the mailing of the notice of allowance, i.e., October 27, 2009, then an additional 197 days of PTA are due for PTO Delay under 154(b)(1)(B), i.e., time between April 13, 2009 and October 27, 2009. In anticipation that the Director may argue that any of the times provided herein overlap under 35 USC 154 (b)(1)(A) and 154(b)(1)(B), the Director is pointed to the United States District Court For The District of Columbia decision in WYETH v. DUDAS Civil Action No. 07-1492 (2008) regarding the interpretation of overlapping time. The court determined that periods of delay "overlap" only if the delays "occur on the same day."

Conclusion

The Applicant requests a total of 610 days of PTA:

413 days under 35 USC 154 (b)(1)(A); and

plus 197 days under 35 USC154 (b)(1)(B).

TITLE 37 CFR RULE 1.702(b) IS INVALID BECAUSE IT IS INCONSISTENT WITH 35 USC 154(b)(1)(B)

In anticipation that the Director may argue that any of the times provide herein are calculated inconsistent with 37 CFR Rule 1.702(b), the Applicants would like to point out that Rule 1.702(b) is invalid because it is inconsistent with 35 USC 154(b)(1)(B). Interpretations of the provisions of the Patent Act cannot be inconsistent with the intent of Congress. "If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress." TAFAS V. DUDAS Docket No. 2008-1352 (Fed. Cir. Mar 2009) (citing Chevron v. Natural Resources Defense Council 467 U.S. 837 (1984)).

Section 154(b)(1)(B) unambiguously states that

> [I]f the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the **actual filing date of the application in the United States**, not including— (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);. . . . the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. (emphasis added)

However, Rule 1.702(b*), Failure to issue a patent within three years of the actual filing date of the application*, states that

> Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after **the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application**. . . (emphasis added)

The language of Section 154(b)(1)(B) unambiguously provides that the "**actual filing date of the application in the United States**" should be used to make the three-year calculation. However, Rule 1.702(b) provides a calculation based on "**the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application**." The PTO is not allowed usurp the intent of Congress by creating a definition for "actual filing date of the application in the United States" that is inconsistent with the unambiguous language of the statute. For the present application, the actual filing date in the United States and the date the national stage commenced under 35 USC 371 are not the same. The actual filing date in the United States was April 13, 2006 and the date the national stage commenced under 35 USC 371 was September 6, 2006.

The Commissioner is hereby authorized to charge the $200 fee required under 37 CFR § 1.18(e) and any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101237-1P US.

Respectfully submitted,

/James C. Mason/

Name: James C. Mason
Dated: 18 June 2009
Reg. No.: 50,255
Phone No.: 781-839-4016
Global Intellectual Property, Patents,
AstraZeneca R&D Boston,
35, Gatehouse Drive,
Waltham,
MA 02451

15 AUG 2008

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Baker Botts L.L.P.
Patent Department
98 San Jacinto Blvd., Suite 1500
Austin, TX 78701-4039

In re Application of	:	
DOLLGAST et al.	:	
Application No.: 10/595,392	:	DECISION ON PETITION
PCT No.: PCT/EP04/50107	:	
Int. Filing Date: 11 October 2004	:	
Priority Date: 14 October 2003	:	
Attorney Docket No.: 071308.0703	:	
For: RECEIVING SLEEVE FOR AN ACTUATOR BODY		

The petition for revival under 37 CFR 1.137(b) filed 19 November 2007 in the above-captioned application is hereby GRANTED as follows:

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

Applicants have now submitted a proper response to the "Notification Of Missing Requirements" mailed 12 October 2006 (i.e., an executed declaration in compliance with 37 CFR 1.497) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

Applicants submitted an English translation of the international application on 13 April 2006, therefore, the Notification Of Missing Requirements" mailed 12 October 2006 is vacated in part.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

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

2 1 APR 2009

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Murata Manufacturing Company, Ltd.
c/o Keating & Bennett, LLP
1800 Alexander Bell Drive
Suite 200
Reston, VA 20191

In re Application of	:	
MINAMITANI, et al.	:	
U.S. Application No. 10/595,407	:	
PCT No.: PCT/JP2005/003843	:	
Int. Filing Date: 07 March 2005	:	DECISION ON PETITION
Priority Date: 23 March 2004	:	(37 CFR 1.182)
Attorney Docket No.: 36856.1434	:	
For: ELONGATED MAGNETIC SENSOR	:	

This decision is issued in response to applicant's "Petition Under 37 CFR § 1.182 to Correct PCT Application Number" filed 15 April 2009 in the United States Patent and Trademark Office (USPTO) that seeks to correct the international application number on the national stage application papers filed 14 April 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/JP2005/003843. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 31 March 2009, applicant was mailed a communication detailing a discrepancy between the international application information entered during the electronic filing of the subject U.S. National stage application. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the international application number information.

On 15 April 2009, applicant filed the petition considered herein.

DISCUSSION

The materials filed 14 April 2006 included a Transmittal Letter (Form PTO-1390) and executed declaration of the inventors that identified the application as a U.S. national stage of PCT/JP2005/003843, filed 07 March 2005. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/JP2005/002843. Thus, applicants' 14 April 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/JP2005/003843 and PCT/JP2005/002843.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/JP2005/002843, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

In the present petition, applicant confirms that the listing of international application PCT/JP2005/002843 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/JP2005/003843. It is noted that the correct international application number was listed on the transmittal letter and executed declaration filed 14 April 2006. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/JP2005/003843. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 14 April 2006 and to permit such materials to be treated as having been directed to international application PCT/JP2005/003843.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 14 April 2006 have been assigned U.S. application number 10/595,407 and will be treated as the national stage of PCT/JP2005/003843.

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 new "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of 14 April 2006.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Tamotsu Minamitani	: DECISION ON REQUEST FOR
Patent Number	: 7589527	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,407	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **747** 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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TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET, SUITE 3600
CHICAGO, IL 60603

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MAR 15 2010

In re Application of	:	
Michinori SUZUKI, et *al.*	:	
Application No. 10/595,414	:	DECISION GRANTING PETITION
Filed: January 8, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **501/44900/106-PCT-US**	:	

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 March 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

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

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30678
CONNOLY BOVE LODGE & HUTZ
1875 Eye Street, N.W.
Suite 1100
Washington, DC 20036

In re Application of	:	
IONESCU, Adrian F.	:	
U.S. Application No.: 10/595,415	:	
PCT No.: PCT/US2004/034097	:	
Int. Filing Date: 18 October 2004	:	**DECISION**
Priority Date: 17 October 2003	:	
Attorney Docket No.: 22148-00004-US2	:	
For: BALLAST PROTECTING DEVICE	:	

This is a decision on the papers filed 21 November 2008.

BACKGROUND

On 17 April 2006, applicants filed papers to enter the national stage of PCT/US2004/034097. No fees accompanied this request.

On 01 February 2008, 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) and (b) was required.

On 09 October 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905 mailed 01 February 2008.

On 21 November 2008, applicants submitted a petition under 37 CFR 1.137(b) accompanied by, *inter alia*, a petition under 37 CFR 1.47(b) and/or 37 CFR 1.42.

DISCUSSION

A review of the application shows that applicant failed to provide the basic national fee prior to the expiration of thirty months from the priority date required by 37 CFR 1.495(b)(2). Therefore, the above-identified application was abandoned by operation of law at midnight on 17 April 2006.

Accordingly, the Form PCT/DO/EO/905 mailed 01 February 2008 and Form PCT/DO/EO/909 mailed 09 October 2008 are **VACATED**.

10/595,415

In the response filed 21 November 2008, applicant filed a petition to revive under 37 CFR 1.137(b). A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

The basic national fee, search fee, examination fee and surcharge fee for a small entity has been charged to Deposit Account No. 22-0185 as authorized. The petition fee of $810.00 was provided. The petition included the required statement. Item (4) is not required. As such, all items of 37 CFR 1.137(b) are satisfied.

CONCLUSION

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

This application is being forwarded to the DO/EO/US to mail a new Form PCT/DO/EO/905 requesting a declaration in compliance with 37 CFR 1.497(a) and (b).

It is noted that applicants submitted evidence for a petition under 37 CFR 1.47(b) including the $200.00 petition fee. This is not appropriate. The $200.00 petition fee has been refunded.

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.

Inventor Adrian F. Ionescu is deceased. Applicants have not identified the legal representative of Mr. Ionescu. Applicants must provide a declaration executed by the legal representative of the estate of Adrian F. Ionescu. If a legal representative was appointed, but has since been discharged, a legal representative must be reappointed. *See* MPEP § 409.01(c). If after a diligent effort the legal representative cannot be located, or refuses to cooperate, a petition under 37 CFR 1.47(b) would be appropriate. *See* MPEP § 409.03(c).

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 JUN 2009

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1875 Eye Street, N.W.
Suite 1100
Washington, DC 20036

In re Application of	:	
IONESCU, Adrian F.	:	
U.S. Application No.: 10/595,415	:	
PCT No.: PCT/US2004/034097	:	
Int. Filing Date: 18 October 2004	:	**DECISION**
Priority Date: 17 October 2003	:	
Attorney Docket No.: 22148-00004-US2	:	
For: BALLAST PROTECTING DEVICE	:	

This is a decision on the declaration filed 13 April 2009.

BACKGROUND

On 21 January 2009, a decision granting applicant's petition to revive was mailed.

On 12 February 2009, 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) and (b) was required. Applicant was given two months to respond with extensions of time available.

On 13 April 2009, applicant filed a response which was accompanied by, *inter alia*, a statement of facts and a declaration for the inventor executed by Mr. Louis F. Lindauer as President of Power Control Technologies, Inc., the purported assignee.

On 13 May 2009, the Office mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that all 35 U.S.C. 371 requirements were completed on 13 April 2009.

DISCUSSION

The declaration signed for the deceased inventor by Mr. Lindauer is not appropriate. Applicants must provide a declaration executed by the legal representative (or heir) of the estate of the inventor, Adrian F. Ionescu.

As such, the Form PCT/DO/EO/903 and filing receipt mailed 13 May 2009 are both hereby **VACATED**.

The statement of facts submitted by Mr. Lindhaur states that no legal representative could be located. This statement would be appropriate pursuant to 37 CFR 1.47(b), if the legal representative was a known person. The statement is not acceptable to show that the legal representative (or heir) of could not be located. The statement is acceptable as proof only to show that Mr. Lindauer could not determine whether Mr. Ionescu had a legal representative.

In this situation, petitioner must have a Romanian court locate the heir(s), or appoint a legal representative for the estate of the deceased inventor.

DECISION

For the reasons discussed above, the papers filed under 37 CFR 1.42 and/or 37 CFR 1.47(b) are **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Applicant may wish to contact the undersigned to discuss this situation.

Any further correspondence with respect to this matter may be filed electronically using 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

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Washington, DC 20036

In re Application of
IONESCU, Adrian F.
U.S. Application No.: 10/595,415
PCT No.: PCT/US2004/034097
Int. Filing Date: 18 October 2004
Priority Date: 17 October 2003
Attorney Docket No.: 22148-00004-US2
For: BALLAST PROTECTING DEVICE

DECISION

This is a decision on the response filed 07 August 2009 which is treated under 37 CFR 1.42.

BACKGROUND

On 08 June 2009, a decision dismissing applicant's petition pursuant to 37 CFR 1.42 and/or 1.47 was mailed. Applicant was given two months to respond with extensions of time available.

On 07 August 2009, applicant filed a response which was accompanied by, *inter alia*, a declaration executed by the sole heir of Adrian F. Ionescu.

DISCUSSION

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

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

Applicant submitted a declaration executed by Andrei E. Ionescu, the heir of the deceased sole inventor, Adrian F. Ionescu. The declaration provides the citizenship, residence and address of the heir and lists the name of the deceased inventor.

However, the citizenship for the deceased inventor is not recorded on the declaration pursuant to 37 CFR 1.497(a)(3). As such, the declaration does not contain the facts which the inventor would have been required to state. Therefore, the declaration fails to satisfy 37 CFR 1.497(b)(2), and is not accepted.

10/595,415

CONCLUSION

For the reason listed above, applicant's petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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1875 Eye Street, N.W.
Suite 1100
Washington, DC 20036

In re Application of	:	
IONESCU, Adrian F.	:	
U.S. Application No.: 10/595,415	:	
PCT No.: PCT/US2004/034097	:	
Int. Filing Date: 18 October 2004	:	**DECISION**
Priority Date: 17 October 2003	:	
Attorney Docket No.: 22148-00004-US2	:	
For: BALLAST PROTECTING DEVICE	:	

This is a decision on the response filed 04 December 2009 which is treated as a renewed request under 37 CFR 1.42.

BACKGROUND

On 23 October 2009, a decision dismissing applicant's renewed petition pursuant to 37 CFR 1.42 was mailed. Applicant was given two months to respond with extensions of time available.

On 04 December 2009, applicant filed a response which was accompanied by, *inter alia*, a declaration executed by the sole heir of Adrian F. Ionescu.

DISCUSSION

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

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

In the response to decision, applicant submitted another declaration executed by Andrei E. Ionescu, the heir of the deceased sole inventor, Adrian F. Ionescu. The declaration provides the citizenship, residence and address of the heir. The declaration also records the name and citizenship of the deceased inventor.

CONCLUSION

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

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 18 October 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 December 2009.

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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1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Daniel Maurice O'Neill	: DECISION ON REQUEST FOR
Patent Number	: 7591157	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 2 APR 2007

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WATCHSTONE P + D
1250 CONNECTICUT AVENUE, N.W.
SUITE 700
WASHINGTON DC 20036

In re Application of	:	DECISION ON
Robert Isaac Berg	:	
Application No.: 10/595,421	:	
PCT No.: PCT/US04/34353	:	
Int. Filing Date: 18 October 2004	:	PETITION UNDER
Priority Date: 16 October 2003	:	
Attorney's Docket No.: 2227.104.NP00	:	
For: MIRRORED ORAL-PRODUCT CONTAINER	:	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 29 January 2007.

BACKGROUND

On 18 October 2004, this international application was filed, claiming an earliest priority date of 16 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 16 April 2006. This international application became abandoned with respect to the United States at midnight on 16 April 2006 for failure to pay the required basic national fee.

On 17 April 2006 (April 16th was a Sunday), applicant 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. However, the national basic fee and executed declaration were not provided at such time.

On 09 November 2006, the United States Patent and Trademark Office mailed a NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 USC 371 AND 37CFR 1.495.

On 29 January 2007, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

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

1 6 DEC 2008

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PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

In re Application of Janes Application No.: 10/595,423 PCT Application No.: PCT/US04/41559 Int. Filing Date: 10 December 2004 Attorney Docket No.: FOXR0011-2 For: SHOCK ABSORBER WITH PRESSURE-CONTROLLED DAMPING	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's PETITION FOR REVIVIAL UNDER 37 CFR 1.137(b), filed in the United States Patent and Trademark Office (PTO) on April 17, 2006. The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 10 December 2004, applicants filed international application PCT/US04/41559. The international filing date is 10 December 2004, and designates the United States. The international application does not claim priority under PCT Rule 4.10 to an earlier application. Accordingly, the deadline for paying the U.S. basic national fee to enter into the United States National Stage was thirty months from the international filing date, that is 10 June 2007.

On 17 April 2006, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and the petition fee of $750.00.

DISCUSSION

Since the deadline under 37 CFR 1.495(b) for paying the basic national fee did not expire until 10 June, 2007, and applicant paid the basic national fee before such date, the present application is not abandoned. Accordingly, the instant petition to revive an abandoned application under 37 CFR 1.137(b) is moot.

CONCLUSION

For the above reasons, applicant's petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Division for further processing consistent with this decision.

/Helen L. Pezzuto/
Detailee
PCT Legal Administration
Tel: 571-272-6094
Fax: 571-273-0459

Boris Milef
PCT Legal Examiner
PCT Legal Administration
Tel: 571-272-3288
Fax: 571-273-0459

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MAY 06 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

David A. Jones
WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

Inventor: WOON, Clement et. al
Application No. **10/595,439**
Filed: April 19, 2006
Atty Docket No: 16455.6
Title of Invention: METHOD AND APPARATUS FOR MANAGING INFORMATION EXCHANGES BETWEEN APPARATUS ON A WORKSITE

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to petition filed 08/17/06 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **Granted**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

Petition to Make Special is **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) met.

Accelerated examination in accordance with M.P.E.P. §708.02, Section VIII will be applied to the above-mentioned application. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Any inquiry regarding this decision should be directed to undersigning Beatriz Prieto, Workgroup Quality Assurance Specialist (WQAS), at (571) 272-3902. A second point of contact is WQAS Kim Huynh whose number is (571) 272-4147

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,439	12/02/2005	Dietmar Gruber	GRUBER ET AL -2 PCT	2941

25889 7590 05/06/2010
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER
LEE, LAURA MICHELLE

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
05/06/2010	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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06 DEC 2006

Moetteli & Associates Sarl
St. Leonhardstrasse 4
CH-9000 St. Gallen
Switzerland

In re Application of
DESARZENS et al.
Application No.: 10/595,442
PCT No.: PCT/IB04/03684
Int. Filing Date: 10 November 2004
Priority Date: 10 November 2003
Attorney Docket No.: PUS-P001-042N
For: PRECISION SPINDLE INSTRUMENT HOLDER FOR SURGICAL INSTRUMENT

DECISION ON PETITION

This decision is issued in response to applicants' "Request Regarding Notification of Abandonment" filed 16 November 2006, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 10 November 2004, applicants filed international application no. PCT/IB04/03684 which claimed a priority date of 10 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 May 2005. 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 May 2006.

On 20 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: an authorization to charge deposit account $525; a copy of the international application, and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 10 October 2006, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2).)

On 16 November 2006, applicants filed the present petition to withdraw the holding of abandonment.

DISCUSSION

The above-identified application was **ABANDONED** for failure to pay the full basic national fee 30 months from the priority date for international application PCT/IB04/03684. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006. On 20 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which gave an authorization to charge deposit account the basic national fee. Since the applicant gave authorization to charge any additional fees to deposit account no.50-2621, applicant should have been charged the basic national fee on 20 April 2006. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.

CONCLUSION

For the reasons above, the request is **GRANTED** and the Notification of Abandonment mailed 10 October 2006 is hereby **VACATED**. The holding of Abandonment is withdrawn.

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

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: James Cameron Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7621214	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,463	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Ralf Keller, et al.	:	
Application No. 10/595,473	:	DECISION ON PETITION
Filed: October 27, 2006	:	
Attorney Docket No. P18906-US1	:	

This is a decision on the petition, filed February 24, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed November 7, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 24, 2009.

Petitioner asserts that the Office action dated November 7, 2008 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of November 7, 2008. In this regard, the Office action in question was returned to the Office on November 17, 2008. Office records do not indicate a change of address was filed.

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **vacated** and **the holding of abandonment withdrawn**.

Telephone inquiries concerning this decision should be directed April M. Wise 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 the Technology Center technical support staff of Art Unit 2454 for re-mailing the Office action of November 7, 2008. The period for reply will run from the mailing date of the Office action.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

29 JUN 2007

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

In re Application of CROWDER et al	:	
U.S. Application No.: 10/595,478	:	
PCT Application No.: PCT/US2004/035433	:	
Int. Filing Date: 26 October 2004	:	
Priority Date Claimed: 27 October 2003	:	DECISION
Attorney Docket No.: 9336.14	:	
For: BLISTER PACKAGES AND ASSOCIATED METHODS OF FABRICATING DRY POWDER DRUG CONTAINMENT SYSTEMS	:	

This is in response to applicant's "Petition Under 37 C.F.R. §§ 1.47(a) Where One Inventor Cannot Be Reached" filed 26 June 2007.

BACKGROUND

On 26 October 2004, applicant filed international application PCT/US2004/035433, which claimed priority of an earlier United States application filed 27 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2006.

On 21 April 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 December 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 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, the declaration submitted with the petition is improper. Specifically, the declaration consists of one each of pages 1, 2, 4, and 5 and two of page 3. It is not acceptable to combine pages from different documents into a composite declaration. Applicant must submit either: (1) a single complete declaration which is presented to an executed by all of the available inventors or (2) multiple complete declarations, wherein the signature of each available inventor appears on at least one of the multiple complete declarations.

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 Mark Ketner cannot be located. The petition sufficiently demonstrates that a diligent effort was made to find Ketner. Specifically, petitioner attempted to reach Ketner by postal mail, by searching public directories, and by contacting Ketner's former colleagues. Thus, it can be concluded with reasonable certainty that Ketner cannot be found after diligent effort.

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

06/29/2007 SWASHEIR 00000002 500220 10595478
Sale Ref: 00000002 DA#: 500220 10595478
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19 JUL 2007

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RALEIGH, NC 27627

In re Application of CROWDER et al	:	
U.S. Application No.: 10/595,478	:	
PCT Application No.: PCT/US2004/035433	:	
Int. Filing Date: 26 October 2004	:	
Priority Date Claimed: 27 October 2003	:	DECISION
Attorney Docket No.: 9336.14	:	
For: BLISTER PACKAGES AND ASSOCIATED METHODS OF FABRICATING DRY POWDER DRUG CONTAINMENT SYSTEMS	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a) " filed 11 July 2007.

BACKGROUND

On 26 October 2004, applicant filed international application PCT/US2004/035433, which claimed priority of an earlier United States application filed 27 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2006.

On 21 April 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 December 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 June 2007, applicant filed a petition under 37 CFR 1.47(a).

On 29 June 2007, this Office mailed a decision dismissing the 26 June 2007 petition.

On 11 July 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 (2), (3), and (4) above.

With regard to item (1) above, the renewed petition states that the declaration filed 26 June 2007 is proper since the different pages are not from different documents. However, it is clear from the lack of facsimile machine markings on all of the declaration pages except for Page 3 of 5 executed by Keith Arthur Johnson that such page was not from the same document as the other pages. The reason that composite declarations such as the one filed 26 June 2007 are not acceptable is that it cannot be determined whether the signature pages were associated with the rest of the declaration pages at the time of execution. The declaration filed with the renewed petition is proper.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 26 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 July 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

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997 Lenox Drive
Building 3
Lawrenceville NJ 08648

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JUN 17 2010

OFFICE OF PETITIONS

In re Application of
Marvin Ward et al.
Application No. 10/595,504
Filed: June 9, 2008
Attorney Docket No. **5261-105US//P28363-A USA**

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(b), filed May 13, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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.*

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) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Takaaki Asada	: DECISION ON REQUEST FOR
Patent Number	: 7638924	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,518	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **821** 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 3 JUN 2009

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Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy MI 48084

In re Application of	:	
POPPE et al	:	
Application No.: 10/595,519	:	
PCT No.: PCT/EP2004/052920	:	
Int. Filing Date: 08 November 2004	:	DECISION
Priority Date: 17 November 2003	:	
Attorney Docket No.: PAT-01156	:	
For: OLIGOMERS . . . USE THEREOF	:	

This decision is in response to applicants' submission filed in the USPTO on 03 April 2009, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 08 November 2004, applicants filed international application PCT/EP2004/052920 which designated the United States and claimed a priority date of 17 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office 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 17 May 2006.

On 25 April 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 and an Application Data Sheet (ADS).

On 06 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 January 2009, applicants filed a declaration of inventors along with a petition/fee for a two-month extension of time.

On 28 January 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that there was a difference in names of the last inventor between the published international application (Dunja MIKOLAJETZ) and the declaration of inventors filed 12 January 2009 (Dunja KOPPEN).

On 03 April 2009, applicants filed the instant submission which was accompanied by, *inter alia*, a petition/fee for a four month extension of time. The submission has properly been treated as a petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) 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.

As to item (1), the petition fee of $400 has been charged to Deposit Account 23-3425.

With regard to item (2), the submission appears to include a copy of the court order but it is not clear whether the order has been certified. Also, no translation of the court order has been provided.

CONCLUSION

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

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. A proper response could include a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected. Extensions of time may be obtained under 37 CFR 1.136(a).

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.

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

2 4 NOV 2009

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In re Application of	:	
POPPE et al	:	
Application No.: 10/595,519	:	
PCT No.: PCT/EP2004/052920	:	
Int. Filing Date: 08 November 2004	:	DECISION
Priority Date: 17 November 2003	:	
Attorney Docket No.: PAT-01156	:	
For: OLIGOMERS . . . USE THEREOF	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.182 filed in the USPTO on 23 September 2009.

BACKGROUND

On 08 November 2004, applicants filed international application PCT/EP2004/052920 which designated the United States and claimed a priority date of 17 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office 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 17 May 2006.

On 25 April 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 and an Application Data Sheet (ADS).

On 06 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 January 2009, applicants filed a declaration of inventors along with a petition/fee for a two-month extension of time.

On 28 January 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that there was a difference in names of the last inventor between the published international application (Dunja MIKOLAJETZ) and the declaration of inventors filed 12 January 2009 (Dunja KOPPEN).

On 03 April 2009, applicants filed a submission which was accompanied by, *inter alia*, a petition/fee for a four month extension of time. The submission was properly treated as a petition under 37 CFR 1.182.

On 23 June 2009, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.182.

On 23 September 2009, applicants filed the instant renewed petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a statement by Dunja Koppen.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) 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.

As to item (1), as noted in the decision issued 23 June 2009, the petition fee has been paid.

Item (2) has now been met as well. The statement of Dunja Koppen is a statement setting forth both names (Dunja Mikolajetz and Dunja Koppen) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 12 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth 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 PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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OFFICE OF PETITIONS

In re Application of	:	
MAK, John et al.	:	
Application No. 10/595,527	:	DECISION ON PETITION
Filed: April 10, 2007	:	TO WITHDRAW
Attorney Docket No. **100325.0237US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 12, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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NOV 10 2008

In re Application of :
MAK, John et al. :
Application No. 10/595,527 : DECISION ON PETITION
Filed: April 10, 2007 : TO WITHDRAW
Attorney Docket No. **100325.0237US** : FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 07, 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 Todd W. Wight on behalf of all attorneys of record who are associated with customer No. 34284. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOHN MAK**
2242 SALT AIR DRIVE
SANTA ANA, CA 92705

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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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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OCT 02 2008

RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of	:	
MAK, John	:	
Application No. 10/595,528	:	DECISION ON PETITION
Filed: February 28, 2007	:	TO WITHDRAW
Attorney Docket No. **100325.0235US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 12, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

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DEC 08 2008

In re Application of	:	
MAK, John	:	
Application No. 10/595,528	:	DECISION ON PETITION
Filed: February 28, 2007	:	TO WITHDRAW
Attorney Docket No. **100325.0235US**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 07, 2008.

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

A review of the file record indicates that the power of attorney to Rutan & Tucker, LLP has been revoked by the assignee of the patent application on May 06, 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: **FISH & ASSOCIATES, PC**
ROBERT D. FISH
2603 MAIN STREET
SUITE 1050
IRVINE CA 92614-6232

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

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
YANG, Beom-Seok :
Application No. 10/595,585 :
Filed: September 14, 2006 :
Attorney Docket No. **300602005700** :

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 24, 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 Barry E. Bretschneider 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: **BEOM-SEOK YANG**
JEONBO, APT 1202, 300-10,
ICHON 1-DONG YONGSAN-GU
SEOUL, REPUBLICE OF KOREA 140-131

cc: **DARBY & DARBY PC**
1500 K STREET NW, SUITE 250
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Beom-Seok Yang, et al.
Application No. 10/595,585
Filed: September 14, 2006
Attorney Docket No. 300602005700

ON PETITION

This is a decision in response to the petition, filed January 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 29, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 30, 2009. A Notice of Abandonment was mailed on June 24, 2009. On January 29, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

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 extension of time fee submitted with the petition on January 29, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to Technology Center AU 1652 for appropriate action by the Examiner in the normal course of business on the amendment received January 29, 2010.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). 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) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVENUE
18TH FLOOR
NEW YORK, NEW YORK 10022

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MAY 0 2 2008

OFFICE OF PETITIONS

Applicant: Rodgers, et al.
Appl. No.: 10/595,596
International Filing Date: October 20, 2004
Title: MOUSETRAP
Attorney Docket No.: 102792-47
Pub. No.: US 2007/0017149-A1
Pub. Date: January 25, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 9, 2007, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment to the claims was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a), [2] which says the following, in part:

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. Applicant did not file a specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

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

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26 APR 2007

John Moetteli
MOETTELI & ASSOCIATES SARL
St. Leonhardstrasse 4
ST. Gallen CH-90-00 CH
Switzerland

In re Application of	:	
LECHOT *et al*	:	
Application No.: 10/595,645	:	
PCT No.: PCT/IB2004/003676	:	
Int. Filing Date: 10 November 2004	:	**DECISION**
Priority Date: 10 November 2003	:	
Attorney Docket No.: PUS-P001-043-N	:	
For: INSERTER FOR MINIMALLY	:	
INVASIVE JOINT SURGERY	:	

This decision is in response to the petition to withdraw the holding of abandonment filed 13 March 2007. No fee is required.

BACKGROUND

On 02 May 2006, applicant filed a transmittal letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371 of international application, PCT/IB2004/003676.

On 05 March 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed because applicants failed to provide the full U.S. Basic National Fee by thirty months pursuant to 37 CFR 1.495(b)(2).

On 13 March 2007, applicant filed the subject response.

DISCUSSION

In order to enter the national stage, applicants must meet the requirements of 37 CFR 1.495, which states, in part:

> (a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended . . .
>
> (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)).

In this case, the thirty-month time period for PCT/IB2004/003676 expired on 10 May 2006. As such, the national stage papers were timely submitted on 02 May 2006. The Form PTO-1390 transmittal letter signed by Mr. Moetteli authorized the appropriate fees to be charged to Deposit Account No. 50-2621.

A review of USPTO financial records show that there was enough money in Deposit Account No. 50-2621 to pay the appropriate fees and that Mr. Moetteli was authorized to charge fees to this account.

Accordingly, the above-captioned application should not have been abandoned pursuant to 37 CFR 1.495(b)(2).

CONCLUSION

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

The Form PCT/DO/EO/909 mailed 05 March 2007 is hereby **VACATED**.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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19 MAR 2007

John F. Hoffman
Baker & Daniels
111 East Wayne Street, Site 800
Fort Wayne, Indiana 46802

In re Application of	:	
MENNE	:	
Application No.: 10/595,647	:	
PCT No.: PCT/EP04/12700	:	DECISION ON PETITION
Int. Filing Date: 10 November 2004	:	
Priority Date: 14 November 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: VOI0258	:	
For: STARTING UNIT	:	

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 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 consideration of the combined declaration and power of attorney and English translation of the international application as filed to see if these items satisfies the 35 U.S.C. 371 requirements.

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

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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

Mail Date: 04/21/2010

Applicant	: Achim Menne	: DECISION ON REQUEST FOR
Patent Number	: 7665588	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,647	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **724** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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0 8 APR 2009

MARK D. SARALINO (GENERAL)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND, OH 44115-2191

In re Application of CAPEWELL et al	:	
U.S. Application No.: 10/595,658	:	
PCT Application No.: PCT/GB2004/050022	:	
Int. Filing Date: 28 October 2004	:	DECISION
Priority Date Claimed: 12 November 2003	:	
Attorney Docket No.: MARSP0175US	:	
For: FORMATION OF LATTICE-TUNING	:	
SEMICONDUCTOR SUBSTRATES	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 11 March 2009.

BACKGROUND

On 28 October 2004, applicant filed international application PCT/GB2004/050022, which claimed priority of an earlier United Kingdom application filed 12 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2006.

On 03 May 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a transmittal letter. The transmittal letter and the data entered into the EFS-Web user interface identified the international application number as PCT/JP2004/050022.

On 29 October 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 11 March 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently entered the wrong international application number in the transmittal letter and the EFS-Web user interface. A review of the papers filed 03 May 2006 reveals that the correct international application number PCT/GB2004/050022 was present on various papers. Furthermore, the title of invention, first named applicant, and other bibliographic data in the transmittal letter and EFS-Web electronic acknowledgement receipt is otherwise consistent with international application number PCT/GB2004/050022. Applicant's explanation for the error is accepted.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 October 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) which should indicate the correct international application number PCT/GB2004/050022.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

ATTACHMENT: corrected filing receipt

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SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE,
N.W., SUITE 1130
WASHINGTON DC 20036

MAILED

JUN 29 2010

OFFICE OF PETITIONS

Applicant: Michael Grün et al	:	DECISION ON REQUEST FOR
Patent Number:Not Yet Available	:	RECALCULATION of PATENT
Issue Date: Not Yet Available	:	TERM ADJUSTMENT IN VIEW OF
Application No. 10/595,667	:	WYETH
Filed: 03/20/2007	:	

The Applicant's Request for Recalculation is **DISMISSED AS PREMATURE**. Applicant has filed the request based upon the USPTO determination that is provided to applicant in the notice of allowance.

The USPTO does not calculate and inform the applicant of the patent term adjustment based upon the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) or the overlapping provision in 35 USC § 154(b)(2)(A) in the notice of allowance because the USPTO must know the date the patent will issue to be able to calculate the patent term adjustment based upon these provisions. Accordingly, the USPTO does not determine the amount of "B" delay or the amount of overlap as required by Wyeth until the USPTO establishes a grant date.

Thus, reconsideration of the patent term adjustment indicated in the patent as it relates to the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and any overlap pursuant to 35 USC § 154(b)(2)(A) are not considered matters that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b)(provides for reconsideration of the patent term adjustment indicated in the notice of allowance). Therefore, a request for reconsideration of the patent term adjustment calculation based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and the overlapping provision of 35 USC § 154(b)(2)(A) will be considered timely filed if filed within two months of the issue date of the patent.

Applicant may file a reply to this decision dismissing the Request for Recalculation. Applicant 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.

Applicant 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.

Applicant 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.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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February 23, 2010

Thomas A. Miller
Miller, Matthias & Hull
One North Franklin Street
Suite 2350
Chicago, IL 60606

Patent No.	: 7,626,687 B2
Ser. No.	: 10/595,668
Inventor(s)	: Chantal Cordier, et al.
Issued	: December 1, 2009
Docket No.	: 28944/50037
Title	: **OPTICAL IMAGING DEVICE SUITABLE FOR FORMING IMAGES OF FINGERPRINTS**

Re: Request for Certificate of Correction

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

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

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

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

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

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.

Please provide request on PTO 1050 form.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

10 AUG 2006

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

In re Application of	:	
LIVINGSTON	:	
Application No.: 10/595,669	:	DECISION ON
PCT No.: PCT/US04/30624	:	
Int. Filing Date: 20 September 2004	:	PETITION UNDER
Priority Date: 19 September 2003	:	
Attorney Docket No.: 56545.010401	:	37 CFR 1.137(b)
For: ROUGE FREE PHARMACEUTICAL WATER	:	
FOR INJECTION (WFI) WATER SYSTEM	:	

This decision is in response to applicant's submission filed 03 May 2006.

BACKGROUND

On 20 September 2004, applicant filed international application PCT/US04/30624 which designated the U.S. and claimed a priority date of 19 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 31 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 March 2006 (19 March 2006 being a Sunday).

On 03 May 2006, applicant electronically filed for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of the 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 03 May 2006.

As to item (2), applicant submitted the petition fee on 03 May 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 03 May 2006 is in compliance with 37 CFR 1.497(a)-(b). The name Robert Livingston, as indicated in the declaration of inventors filed 03 May 2006, is construed as being a shortened version of the name Robert C. Livingston, as indicated in the publication of the international application. If this interpretation is incorrect, applicant is required to notify the Office of PCT Legal Administration immediately.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-1561.

CONCLUSION

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

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

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

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE, 8TH FLOOR
NEW YORK NY 10016-0601

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of

Michael RACKMAN, et *al.*
Application No. 10/595,672
Filed: January 7, 2009
Attorney Docket No. **4742/005 US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 9, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Attachment: STATEMENT UNDER 37 CFR 3.73(b)

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE, 8TH FLOOR
NEW YORK NY 10016-0601

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of

Nathaniel SIMS, et *al.*
Application No. 10/595,674
Filed: August 7, 2007
Attorney Docket No. **4742/006 US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 9, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Attachment: STATEMENT UNDER 37 CFR 3.73(b)

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

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Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Alexandria, VA 22313-1450
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Albert T. Keyack
260 South Broad Street
Philadelphia PA 19102

MAILED

SEP 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Retkin et al.	:	
Application No.: 10/595680	:	ON PETITION
Filing or 371(c) Date: 03/27/2007	:	
Attorney Docket Number:	:	
09999-Murg	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed August 4, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed October 30, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on January 31, 2009. A Notice of Abandonment was mailed May 7, 2009.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2444 for processing of the Amendment filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

Mail Date: 04/21/2010

Applicant	: Stephen D. Horton	: DECISION ON REQUEST FOR
Patent Number	: 7604753	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,696	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **497** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Hiroki Wakamatsu	: DECISION ON REQUEST FOR
Patent Number	: 7632112	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/595,698	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **766** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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13 FEB 2008

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of: SHAW, Fraser, et al. U.S. Application No.: 10/595,704 PCT No.: PCT/GB2004/004677 Int. Filing Date: 04 November 2004 Priority Date: 07 November 2003 Attorney's Docket No.: FRYHP0142US For: A FRAME UNIT FOR TENSIONING A PRINTING SCREEN AND A JIG FOR FITTING A PRINTING SCREEN TO OR REMOVING A PRINTING SCREEN FROM A FRAME UNIT	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 08 October 2007 of a declaration executed on behalf of deceased inventor Richard Andre PIATEK by the deceased inventor's executrix Lesley PIATEK, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 04 November 2004, applicants filed international application PCT/GB2004/004677. The international application claimed a priority date of 07 November 2003, and it designated the United States. On 26 May 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 07 May 2006.

On 05 May 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 07 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, the search and examination fees, and additional claims fees were required.

On 08 October 2007, applicants filed a response to the Notification of Missing Requirements (with required five-month extension fee). The response included payment of the necessary surcharge, search fee, examination fee, and claims fees, as well as the declaration considered herein under 37 CFR 1.42 and 1.497.

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 declaration filed 08 October 2007 on behalf of the deceased inventor, including the added page entitled "Signing By Executrix On Behalf Of Deceased Inventor," includes the required citizenship, residence, and mailing address information for Lesley PIATEK, the person signing the declaration on behalf of deceased inventor Richard Andre PIATEK, and it identifies this person as the "executrix" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

Applicants have also submitted an acceptable declaration executed by the two surviving inventors.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Richard Andre PIATEK 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 08 October 2007.

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

0 6 JUN 2008

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

In re Application of	:	
SUNAGA et al.	:	
U.S. Application No. 10/595,742	:	
PCT No.: PCT/JP2004/016296	:	
Int. Filing Date: 04 November 2004	:	DECISION
Priority Date: 06 November 2003	:	
Attorney Docket No.: JP920030200US1	:	
For: SEMICONDUCTOR STORAGE DEVICE AND BURST OPERATION METHOD	:	

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

BACKGROUND

On 04 November 2004, applicants filed international application PCT/JP2004/016296. The application claimed a priority date of 06 November 2003, and it designated the United States. On 19 May 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2006. (06 May 2006 was a Saturday and 07 May 2006 was a Sunday.)

On 08 May 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/595,742.

The materials filed 08 May 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/JP2004/006296; (2) a translation of the international application that identified the application as a national stage of PCT/JP2004/016296; and (3) a copy of the specification, claims, and drawings for

PCT/JP2004/016296. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S national stage of PCT/JP2004/006296. Thus, applicants' 08 May 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/JP2004/016296 and PCT/JP2004/006296.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/JP2004/006296, the international application number set forth in the bibliographic data (and Transmittal Letter) provided by applicant when filing the electronic application.

DISCUSSION

A review of the materials filed by applicants on 08 May 2006 as a whole reveals that applicants' likely intention was to enter the national stage for international application PCT/JP2004/016296. However, as noted above, applicant's entry of PCT/JP2004/006296 during the electronic filing process has caused the present application file to be initiated as a national stage of PCT/JP2004/006296. Moreover, due to the conflicting instructions in the 08 May 2006 filing, the U.S. basic national fee filed on 08 May 2006 cannot, on the present record, be treated as having been directed to PCT/JP2004/016296 (as necessary to avoid abandonment of such application).

In order for the 08 May 2006 national stage entry and basic national fee payment to be treated as filed on such date with respect to PCT/JP2004/016296, a grantable petition under 37 CFR 1.182 is required. Such a petition must: (1) specifically identify the international application for which national stage entry was intended; (2) explain the presence of the conflicting instructions (i.e., typographical errors, etc.); and (3) correct the file record to correspond with the desired application, where appropriate (i.e., submit a corrected Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission). The petition must also include the required $400 petition fee.

It is noted that the declaration submitted on 08 May 2006 is defective. Specifically, page 1 and page 2 are illegible.

CONCLUSION

As set forth above, a grantable petition under 37 CFR 1.182 is required to clarify the international application to which the 08 May 2006 national stage filing and basic national fee were directed. The requirements for such a petition are discussed above.

Such petition must be submitted within **TWO (2) MONTHS** of the mail date of the present communication. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136(a) are available.

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.

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

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2 8 JUL 2008

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

In re Application of SUNAGA et al. U.S. Application No. 10/595,742 PCT No.: PCT/JP2004/016296 Int. Filing Date: 04 November 2004 Priority Date: 06 November 2003 Attorney Docket No.: JP920030200US1 For: SEMICONDUCTOR STORAGE DEVICE AND BURST OPERATION METHOD	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 03 July 2008 to change the filing status of the above-identified application. The $400 petition fee will be charged to deposit account no. 09-0456.

BACKGROUND

On 04 November 2004, applicants filed international application PCT/JP2004/016296. The application claimed a priority date of 06 November 2003, and it designated the United States. On 19 May 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2006. (06 May 2006 was a Saturday and 07 May 2006 was a Sunday.)

On 08 May 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/595,742.

The materials filed 08 May 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/JP2004/006296; (2) a translation of the international application that identified the application as a national stage of PCT/JP2004/016296; and (3) a copy of the specification, claims, and drawings for PCT/JP2004/016296. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S national stage of PCT/JP2004/006296. Thus, applicants' 08 May 2006 filing included conflicting instruction that identified the

submission as a U.S. national stage of two different international applications: PCT/JP2004/016296 and PCT/JP2004/006296.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/JP2004/006296, the international application number set forth in the bibliographic data (and Transmittal Letter) provided by applicant when filing the electronic application.

On 03 July 2008, applicants filed "Petition Under 37 CFR 1.182."

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 08 May 2006 can be treated as having been directed to international application PCT/JP2004/016296, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 03 July 2008, applicants confirm that the listing of international application PCT/JP2004/006296 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/JP2004/016296. It is noted that the correct international application number was listed on the translation of the international application that identified the application as a national stage of PCT/JP2004/016296. The Transmittal Letter filed 03 July 2008 is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/JP2004/016296. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 08 May 2006 and to permit such materials to be treated as having been directed to international application PCT/JP2004/016296.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 08 May 2006 have been assigned U.S. application number 10/595,742, and will be treated as the national stage of PCT/JP2004/016296.

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.

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

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

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Masaya Yano, et al.	:	
Application No. 10/595,748	:	DECISION GRANTING PETITION
Filed: May 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. UNIU79.069APC	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 25, 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 15 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 1795 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

Terri Johnson
Petitions Examiner
Office of Petitions

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

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CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
NORWAY, N-013-0
NORWAY

MAILED

AUG 11 2009

OFFICE OF PETITIONS

In re Application of Knarvik :
Application No. 10/595,760 : Decision on Petition
Filing Date: June 1, 2006 :
Attorney Docket No. P17596USPC :

This is a decision on the petition filed November 28, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

The Office mailed a non-final Office action on April 9, 2008, setting forth a three-month period for reply. The Office did not receive a reply or a request for an extension of time. As a result, the application became abandoned on July 10, 2008. The Office mailed a Notice of Abandonment on November 21, 2008.

Petitioner requests withdrawal of the holding of abandonment based on non-receipt of the Office action.

Petitioner has submitted a document petitioner indicates is a master docket.

MPEP 711.03(c)(I)(A) states, with emphasis added,

> [A]n 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....
>
> 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 submitted a document petitioner indicates is a master docket. However, the document is not a master docket as defined in MPEP 711.03(c)(I)(A). Specifically, the "master docket" provided does not show all replies docketed for a date three months from the mail date of the April 9, 2008, non-final Office action. Therefore, the petition cannot be granted.

Any request for reconsideration under 37 CFR 1.181 should include a copy of the relevant portion of a master docket, as defined in MPEP 711.03(c)(I)(A), or state the law firm does not maintain such a docket.

If mail is not received because a party has provided the Office with an incomplete address, then withdrawal of the holding of abandonment is unwarranted. The record indicates the correspondence address provided by petitioner may be incomplete.

The address of record is the address associated with Customer No. 29078 which is:

CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
NORWAY, N-013-0
NORWAY

The address above is listed as follows on the petition:

ONSAGERS AS
Universitetsgt. 7
Pb. 6963 St. Olavs Plass
0130 Oslo
[NORWAY]

The customer number address does not include any reference to "Universitetsgt. 7." The customer number address does not include the city of "Oslo." The zip code in the customer number address is listed as "N-013-0" instead of "0130."

Since the address supplied to the address as the customer number address appears to be incomplete, the petition cannot be granted. Any request for reconsideration under 37 CFR 1.181 must establish the address associated with the customer number is complete and correct.

As a courtesy, the Office is mailing a copy of this decision to the address associated with customer number 29078 (address of record) and the similar address on the petition. However, all future correspondence will only be mailed to the address of record.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied

by the required reply (copy of the non-final Office action is enclosed), the required petition fee ($810 for a small entity), and 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. A copy of a PDF "fillable" 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Unless filed by EFS Web, 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
Attn: Office of Petitions

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosed: Copy of papers mailed by Office on April 9, 2008

cc: Onsagers As
Universitetsgt. 7
Pb. 6963 St. Olavs Plass
0130 Oslo
NORWAY

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.
10/595,760	06/01/2006	Jonas Min Knarvik	P17596USPC	6183

29078 7590 04/09/2008
CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
NORWAY, N-0130
NORWAY

EXAMINER
VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
04/09/2008	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.

Office Action Summary	Application No.	Applicant(s)	
	10/595,760	KNARVIK, JONAS MIN	
	Examiner	Art Unit	
	Frank B. Vanaman	3618	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 8/3/06.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Applicant's Information Disclosure Statement, filed Aug. 3, 2006, has been considered.

Specification

3. The abstract of the disclosure is objected to because (1) it should be provided on a separate sheet containing only the abstract and (2) the text of the provided abstract is too long. Correction is required. See MPEP § 608.01(b).

4. The specification as filed lacks the headings preferred in the framing of a U.S. Patent application. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with confusing and indefinite language as well as terms lacking a clear antecedent basis or inconsistent recitations. Examples of confusing language in applicant's claims follow:

In claim 1, lines 1-2, it is not clear what surface is being referred to by "also on another surface"; in claim 1, lines 4-5, "the curved front surface" lacks a clear antecedent basis as does "the surface for the board" (line 6), "the front edge" (line 8), "the side areas" (line 10), "the central region (line 15 - apparently referring to the top board for which a central region was not initially recited); "the underlying area" (lines 17-18); "the central area" (line 22 - it appears as though this may be a reference to the 'central portion'); "the transition" (line 25); "the substantially curved face part" (lines 26-27). Regarding claims 1 and 3, the phrases "preferably also" (claim 1, line 8; claim 1, line 19), "preferably" (claim 11, line 2), and "for example" (claim 3, line 4) render the claims indefinite because it is unclear whether the limitation(s) following the phrases are part of the claimed invention. See MPEP § 2173.05(d). In claim 1, line 10, it is not clear precisely how the recited depressions are to be likened to a well (also note claim 4, lines 1-2) or which attributes of a well are and are not to be applied to the recitation; note a similar condition with "saddle-like" in claim 8); in claim 1, line 16, it is not clear whether or not the "airtight bag" is the same as the "air bag" recited in claim 11; in claim 1, line 17, it is not entirely clear in what way the recited cut out is 'similar' to the recited depression; in claim 1, line 21, it is not clear how the use of "advantageously" modifies the recitation; in claim 2, lines 2-3, it is not clear whether or not the material presented in parentheses is intended to form a part of the recitation or not; in claim 3, lines 2-3, "the fastening means" lacks a clear antecedent basis; regarding claim 10 (see line 4), the

phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

This is not an exhaustive listing, rather it is an exemplary listing only. Each and every claim should be carefully reviewed and revised for clarity under 35 USC §112 second paragraph.

6. The examiner notes that the pending claims are replete with numerous instances of unclear language, and applicant is reminded that rejections under 35 USC §102 and 103 should not be based upon considerable speculation as to the meaning of the terms employed and assumptions as to the scope of the claims when the claims are not definite. See In re Steele 305 F.2d 859, 862, 134 USPQ 292, 295 (CCPA 1962). When no reasonably definite meaning can be ascribed to certain terms in a claim, the subject matter does not become anticipated or obvious, but rather the claim becomes indefinite. See In re Wilson 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As such, the currently pending claims may be subject to prior art rejections not set forth herein upon the clarification of the claim language.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 3, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Echols (US 5,083,955). Echols teaches a device for securing a towing line (15) or rope to a device (12) that is to be towed or pulled across a surface (figure 1), characterized in that the fastening means consists of a slot (34) formed at the front end of the device (12), having an enlarged area (at the rear of 34) for insertion of an enlarged end piece (31) mounted on an offshoot (33) of the towing line.

Allowable Subject Matter

9. Claim 1, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Claims 2 and 4-11, as best understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dallera et al. (US 3,455,571, Cashmere (US 4,561,664), Morris (US 4,669,992), Chi-Hung (US 4,807,554), Maass (US 4,928,983), Churchill (US 5,713,773), Peterson (US 6,171,161), Van Gelder (US 6,477,976), and Fireman et al. (US 6,623,018) teach recreational devices of pertinence.

12. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:
Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,
Or faxed to:
PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

/Frank B Vanaman/
Primary Examiner, Art Unit 3618

PTO/SB/08A (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/595,760
Filing Date	10 May 2006
First Named Inventor	Kmarsik
Art Unit	
Examiner Name	
Attorney Docket Number	P17596 USPC

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/FV/		US- 5941540	8/24/1999	O'Haire	whole doc
		US-			
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]
/FV/		WO 8704397	7/30/1987	Maass	whole doc	
/FV/		DE 2528842	1/13/1977	Dun-Lee Publ.	"	
/FV/		FR 2074372	1/10/1971	Hayler	"	

Examiner Signature	/Frank Vanaman/	Date Considered	04/02/2008

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Notice of References Cited	Application/Control No. 10/595,760	Applicant(s)/Patent Under Reexamination KNARVIK, JONAS MIN	
	Examiner Frank B. Vanaman	Art Unit 3618	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,455,571	07-1969	DALLERA GIANCARLO; et. al.	280/18
*	B	US-4,561,664	12-1985	Cashmere, Raymond A.	280/18
*	C	US-4,669,992	06-1987	Morris, Richard M.	441/65
*	D	US-4,807,554	02-1989	Chi-Hung, Tseng	114/345
*	E	US-4,928,983	05-1990	Maass, Freimut	280/18
*	F	US-5,083,955	01-1992	Echols, Donald G.	441/65
*	G	US-5,713,773	02-1998	Churchill, Robert Lee	441/66
*	H	US-6,171,161	01-2001	Peterson, Leroy L.	441/130
*	I	US-6,477,976	11-2002	Van Gelder, Terry L	114/253
*	J	US-6,623,018	09-2003	Fireman et al.	280/18
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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OCT 14 2009

OFFICE OF PETITIONS

CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
OSLO N-013-0 NO NORWAY

In re Application of	:	
Jonas Min KNARVIK	:	
Application No. 10/595,760	:	DECISION ON PETITION
Filed: June 01, 2006	:	
Attorney Docket No. P17596USPC	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 09, 2008, which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 10, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment (2) the petition fee of $810.00 and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of April 09, 2008 is accepted as having been unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Technology Center AU 3618 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CHRISTIAN D. ABEL**
POSTBOKS 6963 ST. OLAVS PLASS
OSLO, NORWAY 0130

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/2/10 **Paper No.:** —

TO SPE OF : ART UNIT 1794

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/595789 Patent No.: 7615287 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments:

The application as filed does not provide support for the correction.

Applicants have not pointed out where support for the changes can be found. Requested corrections do not appear as simple typographical error.

/D.S. Nakarani/
D. S. Nakarani
Primary Exminer, AU 1794

/Callie Shosho/
SPE, AU 1794

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 2/2/10

TO SPE OF : ART UNIT 1794

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/595789 Patent No.: 7615287 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments:

The application as filed does not provide support for the correction.

Applicants have not pointed out where support for the changes can be found. Requested corrections do not appear as simple typographical error.

/D.S. Nakarani/
D. S. Nakarani
Primary Exminer, AU 1794

Carrie Shosho, SPE 1794

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May 20, 2010

Andrew O. Larsen
Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770

Patent No: 7,615,287 B2
Application No: 10/595,789
Applicant: Chiharu Okawara, et al.
Issued: November 10, 2009
Title: **GAS BARRIER FILM**

Request for Certificate Of Correction:

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

The errors complained of in your request for Certificate of Correction, cannot be corrected since: per the examiner "The application as filed does not provide support for the corrections. Applicants have not pointed out where support for the changes can be found. Requested corrections do not appear as simple typographical errors".

In view of the foregoing your entire request is hereby **denied**.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

25 JUL 2008

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

DR. REDDY'S LABORATORIES, INC.
200 SOMERSET CORPORATE BLVD
SEVENTH FLOOR,
BRIDGEWATER NJ 08807-2862

In re Application of:	:	
SUNDARAM, Venkataraman, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/595,794	:	
PCT No.: PCT/US2004/38490	:	
International Filing Date: 12 November 2004	:	
Priority Date: 12 November 2003	:	
Atty Docket No.: BULK 3.3-086	:	
For: PREPARATION OF	:	
ESCITALOPRAM	:	

The petition for revival under 37 CFR 1.137(b) filed 30 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 12 May 2006 based on applicants' failure to enter the submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee. The petition was also accompanied by the "required reply" in the form of the authorization to charge Deposit Account No. 50-3220 for required fees, including the $300 basic national fee.

In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," along with an additional "Statement Establishing Unintentional Delay" discussing the delay herein. These statements satisfy 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 application with is appropriately granted.

It is noted that applicants' 30 January 2007 submission also included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 50-3220 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 30 January 2007.

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

2 0 AUG 2008

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ALEXANDRIA, VA 22313-1450
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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

In re Application of STEADMAN	:	
U.S. Application No.: 10/595,828	:	
PCT Application No.: PCT/GB2004/004353	:	DECISION
Int. Filing Date: 14 October 2004	:	
Priority Date Claimed: 18 November 2003	:	
Attorney Docket No.: RC.00101	:	
For: POLYMER COMPOSITION FOR ENCAPSULATING A CHEMICAL AGENT COMPRISING AN OXIRANE COMPOSITION	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 31 July 2008.

BACKGROUND

On 14 October 2004, applicant filed international application PCT/GB2004/004353, which claimed priority of an earlier United Kingdom application filed 18 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 May 2006.

On 15 May 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).

On 19 May 2006, international application PCT/GB2004/004353 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 July 2008, 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 14 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 July 2008.

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVENUE
18TH FLOOR
NEW YORK, NEW YORK 10022

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MAY 0 2 2008

OFFICE OF PETITIONS

Applicant: Cheung, et al.
Appl. No.: 10/595,836
International Filing Date: November 18, 2004
Title: CLEANING COMPOSITIONS
Attorney Docket No.: 102792-214
Pub. No.: US 2007/003500-A1
Pub. Date: January 4, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 7, 2007, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment to the claims was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a), [2] which says the following, in part:

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. Applicant did not file a specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

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

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21 AUG 2007

SHERR & NOURSE, PLLC
620 HERNDON PARKWAY
SUITE 200
HERNDON VA 20170

In re Application of	:	
NAGASHIMA	:	
U.S. Application No.: 10/595,867	:	DECISION ON PETITION
PCT No.: PCT/JP04/17093	:	
Int. Filing Date: 17 November 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 17 November 2003	:	
Attorney Docket No.: 412-0001	:	
For: LIGHT SCATTERING TYPE SMOKE	:	
DETECTOR	:	

The petition to revive under 37 CFR 1.137(b) filed 28 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 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 payment of the surcharge for filing an oath or declaration later than thirty months from the priority date is required.

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

06 DEC 2006

Andrew N. Parfomak
Norris, McLaughlin & Marcus, PA
875 Third Avenue
18th Floor
New York, New York 10022

In re Application of CHEUNG et al. U.S. Application No.: 10/595,872 PCT No.: PCT/GB04/04860 Int. Filing Date: 18 November 2004 Priority Date: 21 November 2003 Attorney Docket No.: 102792-210/11362P3US For: CLEANING COMPOSITIONS	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition to Admit Oath & Declaration Pursuant to 37 CFR 1.47(a), 35 USC 118 (Joint Inventor - Inventor Unavailable - 'Cannot Be Reached)" filed 30 November 2006 to accept the application without the signature of joint-inventor, Andrew Courtney.

BACKGROUND

On 18 November 2004, applicants filed international application PCT/GB04/04860 which claimed a priority date of 21 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 May 2006.

On 17 May 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and an unexecuted declaration.

On 28 September 2006, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 November 2006, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

A review of the papers filed 30 November 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Andrew Courtney) refused to sign, stated the last known address of the non-signing inventor (Andrew Courtney), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

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

The application will be given an international filing date of 18 November 2004 under 35 U.S.C. 363, and a date of 30 November 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

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

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06 DEC 2006

Andrew Courtney
20 Crest Lake Drive
Oak Ridge, New Jersey 07438

In re Application of
CHEUNG et al.
U.S. Application No.: 10/595,872
PCT No.: PCT/GB04/04860
Int. Filing Date: 18 November 2004
Priority Date: 21 November 2003
Attorney Docket No.: 102792-210/11362P3US
For: CLEANING COMPOSITIONS

Dear Andrew Courtney:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:
Andrew N. Parfomak
Norris, McLaughlin & Marcus, PA
875 Third Avenue
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New York, New York 10022

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED

NOV 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Hyo-Chung Lee, et al.	:	
Application No. 10/595,886	:	DECISION GRANTING PETITION
Filed: May 18, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 406-0008	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 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 September 28, 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 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

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

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

JUN 29 2009

OFFICE OF PETITIONS

Applicant: Krepski et al.
Appl. No.: 10/595,895
International Filing Date: November 24, 2004
Title: Hydroxylamine and Oxime Substituted Imidazoquinolines, Imidazopyridines, and Imidazonaphthyridines
Attorney Docket: SNDK.259US1
Pub. No.: US 2007/0099901 A1
Pub. Date: May 3, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 16, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the patent application publication be republished because the publication numerous errors.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication received on November 16, 2007, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

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

§ 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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 the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Powell Goldstein LLP
One Atlantic Center Fourteenth Floor
1201 West Peachtree Street NW
Atlanta, GA 30309-3488

COPY MAILED

MAY 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Claudio Cerqueira Lopes, et al.	:	
Application No. 10/595,943	:	DECISION ON PETITION
Filed: May 22, 2006	:	TO WITHDRAW
Attorney Docket No. 149559.00100	:	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 21, 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 Charles Warner on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Claudio Cerqueira Lopes**
Don Helder Camara, 3119-casa 19/apt. 201
21050-454 Del Castilho
Rio de Janeiro BR BRAZIL

cc: **Laurence P. Colton**
SMITH GAMBRELL & RUSSELL
1230 Peachtree Street, N W
Promenade II, Suite 3100
Atlanta, GA 30309

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/595,943	05/22/2006	Claudio Cerqueira Lopes	149559.00100

CONFIRMATION NO. 9471

POWER OF ATTORNEY NOTICE

25207
POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA, GA 30309-3488

OC000000029774854

Date Mailed: 05/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/21/2007.

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

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 05/07/2010

Applicant	: David Hugh Jones	: DECISION ON REQUEST FOR
Patent Number	: 7619072	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/595,954	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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11 MAY 2009

26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago IL 60606-1080

In re Application of ISHIKAWA *et al* U.S. Application No.: 10/595,975 PCT No.: PCT/JP2005/001867 Int. Filing Date: 02 February 2005 Priority Date: 18 March 2004 Attorney Docket No.: 09792909-6686 For: GAS EJECTOR, ELECTRONIC DEVICE, AND GAS-EJECTING METHOD	**DECISION**

This decision is in response to the petition under 37 CFR 1.182 filed 18 March 2009.

BACKGROUND

On 23 May 2006, applicants filed papers to enter the national stage using the USPTO EFS-Web system as the national stage of PCT/US05/01867. However, the declaration identified the PCT as PCT/JP05/001867. The application was processed as the national stage of PCT/US05/01867 by the USPTO.

On 10 March 2009, a communication was mailed requesting clarification on the PCT number.

On 18 March 2009, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Change Underlying PCT Number

Applicants request that the PCT number in the above-captioned national stage application be corrected to PCT/JP05/001867 pursuant to 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO

EFS-Web. The PCT number was listed as PCT/US05/001867 by applicants upon filing electronically with the USPTO. However, all indications on the transmittal letter including the name of the inventor, the title, and the international filing date correspond to PCT/JP05/001867. WIPO records also show that the title, international filing date and inventor correspond to PCT/JP05/001867. Applicants state in the instant petition that the PCT number should be PCT/JP05/001867 and that applicants simply made a typographical error upon filing.

This is sufficient for a grantable petition.

Request for Refund

Applicants request a refund of the $400.00 petition fee. Applicants argue that the USPTO should have corrected applicants' error on its own without any fee. Applicants claim that it is USPTO policy that the information on the declaration controls an application.

This claim has been considered and dismissed. The PCT number listed on a declaration is not the controlling element in a national stage application. The PCT number recorded on the transmittal letter (PTO-1390 form) and the PCT number input upon filing when using the USPTO EFS-Web system controls. Moreover, the USPTO processed the application as filed. A petition under 37 CFR 1.182 to correct applicants' error is required. A refund of the petition fee is not warranted.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

Applicants' request for a refund of the petition fee is **REFUSED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/JP05/001867.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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2 4 APR 2008

Susan L. RANCOURT
HEENAN BLAIKIE LLP
200 Bay Street, P.O. Box 185
South Tower, Royal Bank Plaza
Toronto, Ontario M5J 2J4
CANADA

In re Application of:	:	
SPARKES, Vernon, W.	:	
Application No.: 10/595,982	:	DECISION
PCT No.: PCT/CA2004/002102	:	
Int. Filing Date: 06 December 2004	:	
Priority Date: 21 January 2004	:	
Attorney Docket No.: 49318-05	:	
For: PIVOTING HITCH ASSEMBLY	:	

This decision is issued in response to the "Petition" filed 24 April 2008, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 06 December 2004, applicant filed international application number PCT/CA2004/002102. The international application claimed a priority date of 21 January 2004, and it designated the United States. On 04 August 2005, the International Bureau (IB) transmitted a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the U.S. basic national was thirty months from the priority date, i.e., 21 July 2006.

On 23 May 2006, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the small entity basic national fee.

On 19 November 2007, a "Power Of Attorney and Correspondence Address Indication Form" (Form PTO/SB/81) was filed. The Form PTO/SB/81 was signed by the applicant, it appointed above named counsel as attorney of record herein, and it requested that the correspondence address be changed from the address set forth in the original application papers to the new address set forth above.

On 22 January 2008, 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 this oath or declaration later than thirty months from the priority date were required. The Form PCT/DO/EO/905 was

mailed to the original correspondence address, not to the new correspondence address indicated above.

On 24 April 2008, applicant filed the "Petition" considered herein. The petition requests that the Notification Of Missing Requirements mailed 22 January 2008 be vacated, and that a corrected Notification Of Missing Requirements be mailed to the proper attorney at the correct correspondence address

DISCUSSION

As noted above, an effective "Power Of Attorney and Correspondence Address Indication Form" (Form PTO/SB/81) was filed herein on 19 November 2007, prior to the 22 January 2008 mailing of the Notification Of Missing Requirements. The Notification should therefore have been addressed to above-named counsel at the new correspondence address listed above. Instead, however, the Notification Of Missing Requirements was addressed to prior counsel at the the original correspondence address.

Because the Notification Of Missing Requirements was not directed to the proper address, the Notification is appropriately vacated.

It is noted that the present petition requests a copy of "all of the documentation that was sent to the prior attorney of record after the revocation of that attorney be mailed to the undersigned (i.e., Filing Receipt and Revocation and Appointment of Attorney)." However, other than the Form PTO/DO/EO/905, it does not appear that there has been any other correspondence mailed to prior counsel herein. A courtesy copy of the previously mailed Form PTO/DO/EO/905 will be included with the present decision.

CONCLUSION

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

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 January 2008 to the previous correspondence address is 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 communication, including: (1) processing of the "Power Of Attorney and Correspondence Address Indication Form" (Form

PTO/SB/81) filed 19 November 2007; and (2) issuance of a new "Notification Of Missing Requirements" (Form PCT/DO/EO/905) directed to the above-listed correspondence address.

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

Encl.: Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 January 2008

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/595,982	VERNON W. SPARKES	52922-11

23971
BENNETT JONES
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 - 2ND STREET, SW
CALGARY, AB T2P 4K7
CANADA

INTERNATIONAL APPLICATION NO.	
PCT/CA04/02102	
I.A. FILING DATE	PRIORITY DATE
12/06/2004	01/21/2004

CONFIRMATION NO. 1264
371 FORMALITIES LETTER

OC000000027830396

Date Mailed: 01/22/2008

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 an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/23/2006
- Copy of the International Search Report filed on 05/23/2006
- Copy of IPE Report filed on 05/23/2006
- Preliminary Amendments filed on 05/23/2006
- Small Entity Statement filed on 05/23/2006
- U.S. Basic National Fees filed on 05/23/2006
- Priority Documents filed on 05/23/2006
- Power of Attorney filed on 11/19/2007
- Specification filed on 05/23/2006
- Abstracts filed on 05/23/2006
- Drawings filed on 05/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

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.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **$65** for a Small Entity:

- **$65** Surcharge.

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.

FORM PCT/DO/EO/905 (371 Formalities Notice)

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.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

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APR 24 2008
PCT LEGAL
ADMINISTRATION

Heenan Blaikie

Of Counsel
The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984-2000)
The Right Honourable Jean Chrétien, P.C., Q.C.
The Honourable Donald J. Johnston, P.C., Q.C.
Pierre Marc Johnson, FRSC
The Honourable John W. Morden
Peter M. Blaikie, Q.C.
André Bureau, O.C.

FACSIMILE TRANSMISSION SHEET

ECIPIENT(S)	USPTO Attention: **Richard Ross** Fax No: 1-571-273-0459
ENDER	Susan L. Rancourt, Ph.D. T 416 643.6813 • F 1 866 223.1745
ATE	April 24, 2008
UR REFERENCE	049318-0005
JBJECT	US Patent Application No. 10/595,982 Pages: 5

I, Susan Rancourt, hereby certify that I forwarded the attached Petition along with a copy of the Power of Attorney and Correspondence Address Indication Form to the United States Patent and Trademark Office by facsimile on the date identified above.

Susan Rancourt Reg. No. 56,016

P.O. Box 185, Suite 2600
200 Bay Street
South Tower, Royal Bank Plaza
Toronto, Ontario
Canada M5J 2J4

www.heenanblaikie.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Vernon W. Sparkes
Serial No.: 10/595,982
Filed: December 6, 2004
Examiner: Unknown
Art Unit: 3611
Attorney Docket: 49318-05

Dear Sir:

PETITION

The undersigned petitions, under 37 CFR 1.181, that the Notice of Missing Requirements that was sent on January 22, 2008 be rescinded, and that a new Notice with a new date, be sent to the correspondence address indicated on the Power of Attorney made of record in this application.

The above-identified patent application was filed as a National Entry Application on May 23, 2006, by the Applicant's prior counsel. The attached Power of Attorney was filed in the Patent Office on November 19, 2007, indicating that the attorney of record and address that was to be used for all correspondence had changed. Because of concerns as to the status of the application, a Status Request was submitted the Patent Office on March 28, 2008, and the Patent Office was contacted by phone yesterday to request an update.

The undersigned was advised by the Patent Office that, on January 22, 2008, a Notice of Missing Requirements was sent to the address of the prior attorney of record and not the new correspondence address on file. The undersigned petitions that a new Notice of Missing Requirements be issued, and that a copy of all of the documentation that was sent to the prior attorney of record after the revocation of that attorney be mailed to the undersigned (*i.e.*, Filing Receipt and Revocation and Appointment of Attorney).

Respectfully submitted,

Dated: April 24, 2008

Susan L. Rancourt, Reg. 56,016
Attorney for Applicant
Heenan Blaikie LLP
Telephone: 416-643-6813
Fax: 1-866-223-1745

Heenan Blaikie

Of Counsel
The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984-2000)
The Right Honourable Jean Chrétien, P.C., Q.C.
The Honourable Donald J. Johnston, P.C., Q.C.
Pierre Marc Johnson, FRSC
The Honourable John W. Morden
Peter M. Blaikie, Q.C.
André Bureau, O.C.

FACSIMILE TRANSMISSION SHEET

ECIPIENT(S)	USPTO Fax No. 1-571-273-8300
ENDER	Susan L. Rancourt, Ph.D. T 416 643.6813 • F 1 866 223.1745
ATE	November 19, 2007
UR REFERENCE	049318-0005
IBJECT	US Patent Application No. 10/595,982

I, Susan Rancourt, hereby certify that I forwarded the attached Power of Attorney and Correspondence Address Indication Form to the United States Patent and Trademark Office by facsimile on the date identified above.

Susan Rancourt Reg. No. 56,016

P.O. Box 185, Suite 2600
200 Bay Street
South Tower, Royal Bank Plaza
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Canada M5J 2J4

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PTO/SB/21 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	10/595,982
Filing Date	December 6, 2004
First Named Inventor	SPARKES, Vernon W
Art Unit	3611
Examiner Name	Not known
Attorney Docket Number	49318-05

ENCLOSURES *(Check all that apply)*

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

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HEENAN BLAIKIE LLP		
Signature	S.L. Rancourt		
Printed name	SUSAN L. RANCOURT		
Date	Nov. 19, 2007	Reg. No.	~~56,016~~ 56,016

CERTIFICATE OF TRANSMISSION/MAILING

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

Signature	S.L. Rancourt		
Typed or printed name	SUSAN L. RANCOURT	Date	NOV 19, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissidner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/81 (01-06)
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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	10/595,982
Filing Date	December 6, 2004
First Named Inventor	SPARKES, Vernon W.
Title	Pivoting Hitch Assembly
Art Unit	3611
Examiner Name	Not known
Attorney Docket Number	49318-05

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☑ Practitioner(s) named below:

Name	Registration Number
Susan L. Rancourt	56,016

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name	HEENAN BLAIKIE LLP				
Address	200 Bay Street, P.O. Box 185, South Tower, Royal Bank Plaza				
City	Toronto	State	Ontario	Zip	M5J 2J4
Country	Canada				
Telephone	(416)-360-6336	Email	srancourt@heenan.ca		

I am the:

☑ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	Nov 15/07
Name	Vernon W. Sparkes	Telephone	
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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25 JAN 2007

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

In re Application of:	:	
EKER, Johan, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/595,984	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/EP2004/011500	:	
Int'l Filing Date: 14 October 2004	:	
Priority Date: 19 November 2003	:	
Atty Docket No.: P18656-US2	:	
For: UPDATING DATA IN A MOBILE	:	
TERMINAL	:	

The petition to revive under 37 CFR 1.137(b) filed 23 May 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date of 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 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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WENDEROTH, LIND & PONACK
L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON DC 20005-1503

MAILED

JUN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Itoh et al.	:	DECISION ON
Application No. 10/595,995	:	APPLICATION FOR
Filed: 05/24/2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
2006-0786A	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed on October 21, 2009. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 455 days to 606 days.

The application for patent term adjustment patent is **GRANTED TO THE EXTENT INDICATED**.

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 605 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On July 23, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application, stating that the patent term adjustment to date was 455 days (455 days of Office delay and 0 days of applicant delay). This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[1]

Applicants assert that an adjustment for Office delay of 606 days, rather than 455 days, should be entered pursuant to 37 CFR 1.702(a)(1) for the period from fourteen months after the

[1] PALM records indicate that the issue fee was paid on October 21, 2009.

application fulfilled the requirements of 35 U.S.C. 371 until the date the first Office action was mailed.

Applicants are correct that the application fulfilled the requirements of 35 U.S.C. 371 on May 24, 2006. The period of adjustment for Office delay under 37 CFR 1.702(a)(1) is the number of days, if any, in the period beginning on July 25, 2007, the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 and ending on March 20, 2009, the date of mailing of an action under 35 U.S.C. 132. Therefore, the period of adjustment is 605 days, not 606 days as asserted by applicants.

Accordingly, the 455 day period of adjustment for Office delay will be removed, and a 605 day period of adjustment for Office delay will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is six hundred five (605) days (605 days of Office delay and 0 days of applicant delay).

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

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

Anthony Knight
Director
Office of Petitions

Encl: Copy of updated PALM calculation

Day : Wednesday

PALM INTRANET

Date: 6/23/2010
Time: 13:47:29

PTA Calculations for Application: 10/595995			
Application Filing Date:	05/24/2006	PTO Delay (PTO):	455
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	605
PTO Delay Adjustment:	150		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
42	06/23/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	150		
29	07/23/2009	MAIL NOTICE OF ALLOWANCE			
28	07/22/2009	ISSUE REVISION COMPLETED			
27	07/22/2009	DOCUMENT VERIFICATION			
26	07/22/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
25	07/22/2009	NOTICE OF ALLOWABILITY			
24	06/25/2009	DATE FORWARDED TO EXAMINER			
23	05/28/2009	RESPONSE AFTER NON-FINAL ACTION			
22	03/20/2009	MAIL NON-FINAL REJECTION	455		6
21	03/18/2009	NON-FINAL REJECTION			
20	03/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
15	03/11/2009	CASE DOCKETED TO EXAMINER IN GAU			
14	02/28/2009	CASE DOCKETED TO EXAMINER IN GAU			
13	01/07/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	12/29/2008	PG-PUB ISSUE NOTIFICATION			
7	10/06/2008	APPLICATION DISPATCHED FROM OIPE			
6	10/21/2006	371 COMPLETION DATE			
5	09/17/2008	SENT TO CLASSIFICATION CONTRACTOR			
4	09/17/2008	FILING RECEIPT			
3	09/17/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			

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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FEB 22 2010

OFFICE OF PETITIONS

YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

In re Application of :
Graydon Aubrey Shepherd :
Application No. 10/596,032 : ON PETITION
Filed: May 25, 2006 :
Attorney Docket No. 4519-1002

This is a decision on the petition, filed February 19, 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 January 28, 2010 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 3741 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
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).

1 3 DEC 2007

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

In re Application of	:	
OYAMA, Makoto et al.	:	
Application No.: 10/596,040	:	DECISION ON
PCT No.: PCT/JP2003/015284	:	
Int. Filing Date: 28 November 2003	:	PETITION
Priority Date: None	:	
Attorney Docket No.: 09657/0204349-US0	:	UNDER 37 CFR 1.182
For: CORRECTIVE CLOTHES WITH	:	
CROTCH	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 12 April 2007.

BACKGROUND

On 28 November 2003, applicant filed international application PCT/JP2003/015284. A copy of the international application was transmitted to the Office by the International Bureau on 09 June 2005. The deadline for entry into the national stage in the United States is midnight 28 May 2006.

On 25 May 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventors.

On 18 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration of the inventors listed a different last name for one of the inventors and that an explanation or a new oath or declaration was required.

On 12 April 2007, applicant submitted a declaration of the inventors, accompanied by a petition under 37 CFR 1.182, accompanied by the fee for a one month extension of time.

DISCUSSION

The fee for a petition under 37 CFR 1.182 is $400, not $130. The balance of the petition fee will be charged to deposit account no. 04-0100, as authorized. The international application lists the second inventor as "Atsuko Misaki," but the declaration lists and is executed by "Atsuko Kawamura."

Applicant has supplied a statement signed by Atsuko Kawamura stating that her name changed subsequent to her marriage. This is adequate explanation.

The surcharge for late filing of the search fee, examination fee or oath or declaration is not required as the declaration complies with 37 CFR 1.497(a)-(b) and was submitted prior to 30 months from the priority date. The $130 surcharge will be refunded to deposit account no. 04-0100.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371 (c)(1), (c)(2) and (c)(4) date of 25 May 2006.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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Andrew N. Parfomak
Norris McLaughlin & Marcus, PA
875 Third Avenue, 18th Floor
New York NY 10022

22 OCT 2007

In re Application of
McGee et al.
Application No.: 10/596,046
PCT No.: PCT/CH04/00719
Int. Filing Date: 30 November 2004
Priority Date: 02 December 2003
Attorney Docket No.: 102790-162-30108US
For: Apparatus For Emitting A Volatile Liquid Into The Atmosphere

COMMUNICATION

This is in response to applicants' correspondence filed on 30 August 2007.

BACKGROUND

This international application was filed on 30 November 2004, claimed a priority date of 02 December 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 16 June 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 02 June 2006. On 26 May 2006, applicants filed *inter alia* the basic national fee.

On 27 February 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 30 March 2007, applicants filed *inter alia* a declaration of the inventors signed by Thomas McGee.

On 21 August 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating that the declaration filed on 30 March 2007 was defective because "2nd inventor Colin Brown didnt sign decl."

On 13 September 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 30 August 2007.

DISCUSSION

The correspondence filed on 30 August 2007 states in part:

As per our conversation please find attached the documents that were filed on June 26, 2007:

1. Communication Re: Filing of Declaration on a Date Later Than the Filing Date of the Application.

2. Executed Combination Oath, Declaration and Power of Attorney (6 sheets)

3. A copy of our fax confirmation.

This correspondence does not specifically state what relief, if any, is being requested, though it appears that applicants may wish the declaration filed on 30 August 2007 to be regarded as a copy of a declaration filed on an earlier date. However, inspection of the instant correspondence reveals that it has been signed by a "Legal Assistant" who does not appear to be a registered practitioner; thus, treatment of the correspondence as a petition would be improper. It is noted that the "Communication..." signed by Atty. Parfomak appears to be a copy of earlier-filed correspondence, and that it merely requests that correspondence be matched with the application file. Therefore, the 35 U.S.C. 371(c)(1), (2) and (4) date appearing on the Notice of Acceptance mailed on 13 September 2007 is proper. In the event that applicants feel a different date is correct, the filing of a proper petition would be appropriate.

DECISION

This application is being returned to Technology Center 3752.

Please direct any further correspondence with respect to the matter discussed *supra* to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the correspondence 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

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Alexandria, VA 22313-1450
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MAILED

MAR 22 2010

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:
Dasseux et al.	:
Application No. 10/596,047	: ON APPLICATION FOR
Filed: June 21, 2006	: PATENT TERM ADJUSTMENT
Attorney Docket No. PC20667	:
Title: KETONE COMPOUNDS AND	:
COMPOSITIONS FOR CHOLESTEROL	:
MANAGEMENT AND RELATED USES	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.705(B)" filed June 26, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is fourteen (14) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the patent term adjustment is **Granted to the extent indicated.**

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

On March 31, 2009, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 0 days. Applicants dispute the calculation.

Applicants contend a 132 day adjustment is required for failure by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to 37 CFR §1.702(a)(1). A restriction requirement was mailed on December 31, 2007, which applicants contend is 14 months and 132 days after the application fulfilled the requirements of 35 U.S.C. 371.

However, a review of the record shows that the requirements of 35 U.S.C. 371 were fulfilled on June 24, 2006. As early commencement was not requested, the last of 371 requirements to be completed was commencement at 30 months on June 24, 2006. Thus, the restriction requirement on December 31, 2007 was mailed 14 months and 129 days after fulfillment.

The total number of days of Office delay at the time of the mailing of the Notice of Allowance is 129 days.

Applicants also state that reductions in the amount of 88 and 30 days are required. A review of the record confirms applicants' statement. An 88-day and 30-day period for reduction should have been taken based upon 37 CFR §1.704(b). 37 CFR §1.704(b) provides:

> 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.

In the first instance the reply to the restriction requirement mailed December 31, 2007 was not received until June 27, 2008, three months and 88 days after the mailing of the restriction requirement.

In the second instance, a non-final Office action was mailed on September 30, 2008. A response was not filed until January 29, 2009. Pursuant to 37 CFR 1.704(b) the application is subject to 30 day reduction for applicant delay for the period beginning on December 31, 2008 and ending on January 29, 2009.

The total number of days of applicant delay at the time of the mailing of the Notice of Allowance is 118 (88+30) days.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 11 (129-118) days.

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].

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

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Saturday
Date: 3/20/2010

PALM INTRANET

Time: 13:45:36

PTE Calculations for Application: 10/596047

Application Filing Date:	06/21/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	11
PTO Delay Adjustment:	11		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	03/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	129		
68	03/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		88	
67	03/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
51	03/31/2009	MAIL NOTICE OF ALLOWANCE			
50	03/28/2009	ISSUE REVISION COMPLETED			
49	03/27/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
48	03/27/2008	DOCUMENT VERIFICATION			
47	03/27/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	03/27/2009	CASE DOCKETED TO EXAMINER IN GAU			
45	03/25/2009	EXAMINER'S AMENDMENT COMMUNICATION			
44	03/25/2009	NOTICE OF ALLOWABILITY			
43	01/29/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
42	02/13/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
41	02/10/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	02/05/2009	DATE FORWARDED TO EXAMINER			
39	01/29/2009	RESPONSE AFTER NON-FINAL ACTION			
38	01/29/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
37	01/29/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	09/30/2008	MAIL NON-FINAL REJECTION			
35	09/26/2008	NON-FINAL REJECTION			
21	07/30/2008	DATE FORWARDED TO EXAMINER			

20	06/27/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
19	06/27/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	07/17/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
17	07/16/2008	CORRESPONDENCE ADDRESS CHANGE			
16	12/31/2007	MAIL RESTRICTION REQUIREMENT			
15	12/26/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
13	10/24/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	07/06/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	07/05/2007	PG-PUB ISSUE NOTIFICATION			
6	04/18/2007	APPLICATION DISPATCHED FROM OIPE			
5	06/24/2006	371 COMPLETION DATE			
4	04/05/2007	SENT TO CLASSIFICATION CONTRACTOR			
3	04/05/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

DATE : 03/29/10

TO SPE OF : ART UNIT 3664

SUBJECT : Request for Certificate of Correction for Appl. No.: 10596048 Patent No.: 7603199

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: _____

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER
SPE

3664
Art Unit

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HOFFMAN WARNICK LLC
75 STATE ST, 14 FL
ALBANY, NY 12207

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Jean- Luc Collet et al :
Application No. 10/596,050 :
Filed: January 24, 2007 :
Attorney Docket No. FR920030070US1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 30, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 31, 2008.

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

This matter is being referred to Technology Center AU 2129 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Dominique Jean-Pierre Mabire	: DECISION ON REQUEST FOR
Patent Number	: 7652014	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,083	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **829** 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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TECHNOLOGY CENTER 2100

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of: HASHIMOTO et al.
Application No. 10/596,107
Filed: 31 May 2006
For: REPRODUCTION DEVICE

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 23 August 2006, under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In this case, the petition filed 23 August 2006 fails to adequately meet the requirement (e) as set forth supra. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The discussion fails to specifically point out how the **language** of independent **claim** 1 patentably distinguishes them from **each** of the **references**.

For each of the references deemed most closely related, it is stated that the reference fails to disclose or teach "designating images and rendition times in predetermined codes, executing the predetermined codes through control information included in a video stream, ...". However, this limitation, which is purported to distinguish the independent claim from the references, are not required by the independent claim.

Petitioner should ensure that the above discussion is directed to how the language of each of the independent claims is **specifically** distinguishable and patentable from each of the references provided in requirement (d) above, rather than to repeat essentially the entirety of each of the independent claims. The identification must be accurate and consistent with the language set forth in the (independent) claims of the instant application. In the discussion of the references, Petitioner is required to point out (substantively detail) the prior art elements and associations germane to the claims to fully flesh-out the comparison between the referenced prior art and Applicant's claimed features.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
Computer Architecture, Software and Information Security
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,107		Satoshi HASHIMOTO	P30026	2090

52123 7590 05/12/2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
05/12/2008	ELECTRONIC

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

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

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

gbpatent@gbpatent.com
pto@gbpatent.com

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TECHNOLOGY CENTER 2100

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of: HASHIMOTO et al.
Application No. 10/596,107
Filed: 31 May 2006
For: REPRODUCTION DEVICE

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 23 August 2006, and the request for reconsideration of adverse decision filed March 31, 2008, under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in M.P.E.P. §708.02, Section VIII.

Any inquiry concerning this decision should be directed to Mano Padmanabhan whose telephone number is (571) 272-4210.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
TANAKA, KEIICHI, et al.
Application No. 10/596,109
Filed: August 23, 2006
For: **PLAYBACK APPARATUS FOR PERFORMING APPLICATION-SYNCHRONIZED PLAYBACK**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed August 23, 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.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND OH 44143

11/30/09

In re Application of: NEUMANN, ROLF Serial No. 10/596,111 Filed: May 31, 2006 Docket: PHDE030400US Title: MEDICAL MEASURING DEVICE	:	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed Jan. 28, 2009 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed December 4, 2008.

The petition is **Granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed December 4, 2008 is hereby withdrawn. The Office action mailed on December 4, 2008 has been designated as non-final Office action.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

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AKERMAN SENTERFITT
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WEST PALM BEACH, FL 33402-3188

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OFFICE OF PETITIONS

In re Application of

Domenico Romiti
Application No. 10/596,156
Filed: March 8, 2007
Attorney Docket No. 9526-91

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the attorney of record and a photocopy of applicant's birth certificate. 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.

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Mark T. Anderson	: DECISION ON REQUEST FOR
Patent Number	: 7655376	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,186	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **571** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

Coats & Bennett, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

In re Patent No. 7,555,572	:	
Issue Date: June 30, 2009	:	
Application No. 10/596,204	:	ON PETITION
Filed: April 16, 2007	:	
Attorney Docket No. 4015-5826/P/63931/U64	:	

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 request is **DISMISSED**.

Petitioner states that the correct assignee's name is Eric and that an incorrect assignee's name was unintentionally included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to Ericsson AB.

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

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

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

It should be noted that the request for certificate correction fee was paid along with the filing of this petition July 20, 2009.

A review of Office database assignment records reflects that an assignment to Ericsson AB has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Ericsson AB was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Ericsson AB, as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Carl Friedman
Petitions Examiner
Office of Petitions

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application
Schuster, et al.
Application No. 10/596,207
Filing or 371(c) Date: August 21, 2007
Dkt. No.: ZGNX-112

: PATENT TERM ADJUSTMENT

This is in response to the "REQUEST UNDER 37 C.F.R. § 1.705(b) FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed May 4, 2010.

Applicants submit that the correct patent term adjustment to be indicated on the patent is 174 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

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

Review of the record confirms applicants' assertion that the application is entitled to an adjustment of 154 days pursuant to 37 CFR 1.702(a)(1) in connection with the mailing of the restriction requirement on March 24, 2009.

Further review of the record confirms applicants' assertion that the application is entitled to an additional adjustment of 20 days pursuant to 37 CFR 1.702(a)(2) in connection with the mailing of the Notice of Allowance on March 15, 2010.

While applicants assert that the patent term adjustment is not subject to any applicant delay, review of the record reveals that the adjustment is subject to a reduction of 50 days in connection with the reply filed August 21, 2007 in response to the Notice mailed April 2, 2007. The reduction commenced June 3, 2007, the day after the date that is three months after the date that the Notice was mailed, and ended August 21, 2007, the date that a reply to the Notice was filed.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 124 days (174 days pursuant to 37 CFR 1.702(a) *less* 50 days pursuant to 37 CFR 1.704).

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required pursuant to 37 CFR 1.705(b).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Tuesday
Date: 7/13/2010

PALM INTRANET

Time: 06:50:20

PTE Calculations for Application: 10/596207			
Application Filing Date:	08/21/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	124
PTO Delay Adjustment:	124		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		50	
61	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	20		
60	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	154		
50	03/15/2010	MAIL NOTICE OF ALLOWANCE			
49	03/12/2010	ISSUE REVISION COMPLETED			
48	03/12/2010	DOCUMENT VERIFICATION			
47	03/12/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	03/12/2010	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
45	03/11/2010	EXAMINER'S AMENDMENT COMMUNICATION			
44	03/11/2010	NOTICE OF ALLOWABILITY			
43	03/04/2010	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	10/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	10/23/2009	NEW OR ADDITIONAL DRAWING FILED			
38	10/23/2009	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
37	12/14/2009	DATE FORWARDED TO EXAMINER			
36	10/23/2009	RESPONSE AFTER NON-FINAL ACTION			
35	10/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	07/30/2009	MAIL NON-FINAL REJECTION			
33	07/29/2009	NON-FINAL REJECTION			
29	11/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	06/10/2009	DATE FORWARDED TO EXAMINER			

27	06/02/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
26	06/02/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	03/24/2009	MAIL RESTRICTION REQUIREMENT			
24	03/24/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
23	02/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
22	11/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/24/2008	PRELIMINARY AMENDMENT			
20	02/28/2008	PG-PUB ISSUE NOTIFICATION			
19	10/29/2007	PRELIMINARY AMENDMENT			
18	01/05/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	11/29/2007	APPLICATION DISPATCHED FROM OIPE			
15	11/20/2007	SENT TO CLASSIFICATION CONTRACTOR			
14	11/20/2007	FILING RECEIPT			
13	11/20/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
12	08/21/2007	ADDITIONAL APPLICATION FILING FEES			
7	11/15/2007	INFORMATION DISCLOSURE STATEMENTS			
6	10/29/2007	PRELIMINARY AMENDMENTS			
5	08/21/2007	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

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GREENLEE WINNER AND SULLIVAN, PC
4875 PEARL EAST CIRCLE, SUITE 200
BOULDER, CO 80301

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OFFICE OF PETITIONS

In re Application of	:	
Laurie SCANLIN, et al	:	
Application No. 10/596,259	:	DECISION ON PETITION
Filed: September 20, 2006	:	TO WITHDRAW
Attorney Docket No. 132-03	:	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 23, 2008.

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

A review of the file record indicates that the power of attorney to Greenlee, Winner and Sullivan, PC, has been revoked by the assignee of the patent application on November 6, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is 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: COLORADO STATE UNIVERSITY
RESEARCH FOUNDATION
601 SO. HOWES
FORT COLLINS, CO 80521

02 OCT 2006

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Gary M. Nath
Nath & Associates, PLLC
112 South West Street
Alexandria, VA 22314

In re Application of	:	
STOKKI et al.	:	
U.S. Application No. 10/596,261	:	
PCT No.: PCT/EP04/53091	:	
Int. Filing Date: 24 November 2004	:	COMMUNICATION
Priority Date: 17 December 2003	:	
Attorney Docket No.: 78200-898US	:	
For: ELECTRONICALLY CONDUCTIVE FLOOR COVERINGS	:	

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 24 November 2004, applicant filed international application No. PCT/EP04/53091, which claimed a priority date of 17 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 June 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 June 2006.

On 08 June 2006, applicant filed, through the representation of the law firm of Norris McLaughlin & Marcus, 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 international application no. PCT/EP04/53091, was assigned U.S. application number 10/596,261.

On 16 June 2006, applicant filed, through the representation of a law firm of Nath & Associates, PLLC, a second transmittal letter for entry into the national stage in the United States referencing the international application PCT/EP04/53091, which was accompanied by, *inter alia*, a second basic national fee; a copy of the international application; and an executed declaration which included a power of attorney. These papers were assigned U.S. application number 10/583,102.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/EP04/53091 (United States application numbers 10/596,261 and 10/583,102). 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.

As stated above, the submission dated 16 June 2006 included an executed declaration and power of attorney, therefore, pursuant to MPEP §403.02, all further correspondence with respect to the national stage of PCT/EP04/53091 will be mailed to above-named counsel at the above-listed address and reference application number 10/596,261. Application number 10/583,102 will be discontinued.

Applicants should use application number 10/596,261 in all future communications with the United States Patent and Trademark Office (PTO).

CONCLUSION

Application no. 10/596,261 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 10/583,102 into U.S. Application no. 10/596,261; (2) refund the filing fees of $900 paid in connection with the 10/583,102 application to deposit account no. 14-0112; and (3) change the Attorney Docket number to 27466U.

Applicants should use application number 10/596,261 in all future communications with the United States Patent and Trademark Office (PTO).

A courtesy copy of this communication has been forwarded to the law firm of Norris McLaughlin & Marcus, P.A.

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

10/05/2006 SBASHEIR 00000007 10596261
01 FC:8021 40.00 OP

cc: Norris McLaughlin & Marcus, P.a.
P.O. Box 1018
Somerville, New Jersey 08876

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SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO, NC 27409

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JUN 2 2 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard Brian Perry, et. al.	:	
Application No. 10/596,281	:	ON PETITION
Filed: June 8, 2006	:	
Attorney Docket No. 70335	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due mailed on February 17, 2010.

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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07 AUG 2007

POWER DEL VALLE LLP
233 WEST 72 STREET
NEW YORK NY 10023

In re Application of:	:	
SKIBA, Krzysztof	:	DECISION ON RESPONSE
U.S. Application No.: 10/596,284	:	
PCT No.: PCT/PL2004/000099	:	
International Filing Date: 02 December 2004	:	
Priority Date: 11 December 2003	:	
Atty Docket No.: 257.802	:	
For: CLIP FOR FIXING A LIGHT SOURCE AROUND AN EDGE OF A PANEL	:	

This decision is issued in response to the "Response to Notification of Missing Requirements" filed 23 May 2007, treated herein under 37 CFR 1.181 as a request to correct a typographical error in the inventor's name. No petition fee is required.

BACKGROUND

On 02 December 2004, applicant filed international application PCT/PL2004/000099. The international application claimed a priority date of 11 December 2003, and it designated the United States. On 23 June 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 June 2006.

The published international application listed one inventor for the purposes of the United States: Krzystof SKIBA.

On 08 June 2006, applicant filed (electronically) a national stage of PCT/PL2004/000099 in the United States. The national stage submission identified the inventor as Krzystof SKIBA and included, among other materials, payment of the small entity basic national fee and an executed declaration. The name of the inventor on the declaration was listed as Krzysztof SKIBA, rather than Krzystof SKIBA (as this inventor was identified on the published international application).

On 04 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification Of Missing Requirements noted that the declaration filed 08 June 2006 was defective because the spelling of

the inventor's first name was not consistent with the spelling set forth in the international application.

On 23 May 2007, applicants filed the "Response to Notification of Missing Requirements" considered herein. The submission requests acceptance of the declaration filed 08 June 2006, asserting that the discrepancy between the inventor's name in the declaration and the international application was the result of a typographical error in the international application.

DISCUSSION

Section 201.03 of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration needed. Here, applicant's 23 May 2007 submission states that the correct first name of the inventor is Krzysztof, as listed on the declaration filed 08 June 2006, and that the listing of this inventor's name as Krzystof in the international application (and the original national stage submission) was the result of a typographical error.

Based on the 23 May 2007 submission, the correct name for the inventor is accepted as Krzysztof SKIBA, as set forth in the declaration filed 08 June 2006. In light of this correction, the declaration filed 08 June 2006 is now acceptable under 37 CFR 1.497. Because the declaration was filed prior to expiration of thirty months from the priority date, no surcharge payment is required.

CONCLUSION

Applicant's 23 May 2007 request to correct the spelling of the inventor's name herein is **GRANTED**.

The name of record for the sole inventor is accepted as **Krzysztof SKIBA**, as set forth in the declaration filed 08 June 2006. Based on the correction of the inventor's name, the declaration filed on 08 June 2006 is acceptable under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 June 2006.

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

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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

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OFFICE OF PETITIONS

In re Application of	:	
Are Borgesen	:	
Application No. 10/596,289	:	DECISION ON PETITION
Filed: June 8, 2006	:	
Attorney Docket No. 08-145	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the non-final Office action mailed April 14, 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 timely obtained. Accordingly, the application became abandoned on July 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 an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

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

Additionally, 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 $1,175.00, five-month extension of time fee submitted on November 25, 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.

Additionally, the request for the change in power of attorney has been accepted and the Notice enclosed. Further, the request for change of correspondence address has been accepted.

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

This application is being referred to Technology Center AU 3748 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

Enclosure: Notice of Acceptance of Power of Attorney

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
10/596,289	06/08/2006	Are Borgesen	TIDL0101PUSA

CONFIRMATION NO. 5000

POA ACCEPTANCE LETTER

24124
BOHAN MATHERS
PO BOX 17707
PORTLAND, ME 04112-8707

OC000000034837398

Date Mailed: 03/04/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/25/2008.

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

/jolszewski/

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

0 5 OCT 2007

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MEADWESTVACO CORPORATION
ALEXANDRA B. URBAN,ESQ.
299 PARK AVENUE, 13TH FLOOR
NEW YORK NY 10171

In re Application of	:	
THIBAULT, Richard, et al.	:	
Application No.: 10/596,290	:	DECISION
PCT No.: PCT/US2004/040970	:	
Int. Filing Date: 08 December 2004	:	ON PETITION UNDER
Priority Date: 08 December 2003	:	
Docket No.: CPG 03-26 KF	:	37 CFR 1.47(a)
For: A PACKAGE WITH PILFER PROOF	:	
ASSEMBLY	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 July 2007.

BACKGROUND

On 08 December 2004, applicants filed international application PCT/US2004/040970, claiming a priority date of 08 December 2003. The deadline for payment of the basic national fee in the United States was 08 June 2006.

On 08 June 2006, applicants filed a transmittal letter for entry into the national phase in the United States accompanied by the basic national fee.

On 26 February 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 26 July 2007, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The petition fee of $200 has been paid. (3) The petition lists the last known addresses of non-signing inventor Richard Thibault as 52 Sonia Lane, Broomall, PA 19008.

Item (2) has not been satisfied. The petition must supply proof that applicant refused to sign after being presented with the application papers (specification, including claims, drawings, and oath or

declaration). MPEP §409.03(d). Applicant only claims to have sent one complete copy of the application papers to the non-signing inventor. This claim is not supported by a statement from someone with firsthand knowledge of the presentation. Apparently the papers were prepared by Alexandra Urban, but the only statement concerning the presentation of the papers is from David J. Silvia. Second, that submission never reached the non-signing inventor and applicant did not allot sufficient time for the inventor to receive and act upon the papers. A minimum reasonable deadline for acting upon paperwork is usually two weeks. Copies of documentary evidence supporting the presentation to Mr. Thibault of a complete copy of the application papers should be submitted. Further, a first hand statement of the facts supporting the presentation should be provided.

The power of attorney from Alexandra Urban does not ask that the Office change the correspondence address. Two of three inventors ask that the correspondence address be changed, but in the absence of a grantable 37 CFR 1.47(a) petition, that is not sufficient. As such, the correspondence address remains the one listed above.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

0 5 OCT 2007

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MeadWestvaco Corporation
Law Department - NY

MEADWESTVACO CORPORATION
ALEXANDRA B. URBAN,ESQ.
299 PARK AVENUE, 13TH FLOOR
NEW YORK NY 10171

In re Application of
THIBAULT, Richard, et al.
Application No.: 10/596,290
PCT No.: PCT/US2004/040970
Int. Filing Date: 08 December 2004
Priority Date: 08 December 2003
Docket No.: CPG 03-26 KF
For: A PACKAGE WITH PILFER PROOF ASSEMBLY

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 July 2007.

BACKGROUND

On 08 December 2004, applicants filed international application PCT/US2004/040970, claiming a priority date of 08 December 2003. The deadline for payment of the basic national fee in the United States was 08 June 2006.

On 08 June 2006, applicants filed a transmittal letter for entry into the national phase in the United States accompanied by the basic national fee.

On 26 February 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 26 July 2007, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The petition fee of $200 has been paid. (3) The petition lists the last known addresses of non-signing inventor Richard Thibault as 52 Sonia Lane, Broomall, PA 19008.

Item (2) has not been satisfied. The petition must supply proof that applicant refused to sign after being presented with the application papers (specification, including claims, drawings, and oath or

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declaration). MPEP §409.03(d). Applicant only claims to have sent one complete copy of the application papers to the non-signing inventor. This claim is not supported by a statement from someone with firsthand knowledge of the presentation. Apparently the papers were prepared by Alexandra Urban, but the only statement concerning the presentation of the papers is from David J. Silvia. Second, that submission never reached the non-signing inventor and applicant did not allot sufficient time for the inventor to receive and act upon the papers. A minimum reasonable deadline for acting upon paperwork is usually two weeks. Copies of documentary evidence supporting the presentation to Mr. Thibault of a complete copy of the application papers should be submitted. Further, a first hand statement of the facts supporting the presentation should be provided.

The power of attorney from Alexandra Urban does not ask that the Office change the correspondence address. Two of three inventors ask that the correspondence address be changed, but in the absence of a grantable 37 CFR 1.47(a) petition, that is not sufficient. As such, the correspondence address remains the one listed above.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

Copied from US0440970 on 02/09/2010

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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

MEADWESTVACO CORPORATION
ATTN: IP LEGAL DEPARTMENT
1021 Main Campus Drive
Raleigh NC 27606

In re Application of THIBAULT, Richard, et al. Application No.: 10/596,290 PCT No.: PCT/US2004/040970 Int. Filing Date: 08 December 2004 Priority Date: 08 December 2003 Docket No.: CPG 03-26 KF For: A PACKAGE WITH PILFER PROOF ASSEMBLY	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 09 November 2007.

BACKGROUND

On 05 October 2007, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 09 November 2007, applicants filed a renewed petition under 37 CFR 1.47(a). It was placed in the international application.

On 17 December 2009, applicants filed a second copy of the 09 November 2007 petition and a letter indicating that it was earlier filed but had not been scanned into the file.

DISCUSSION

The 09 November 2007 renewed petition was located in the international application. It has been relocated to the above captioned application.

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The petition fee of $200 has been paid. (3) The petition lists the last known addresses of non-signing inventor Richard Thibault as 52 Sonia Lane, Broomall, PA 19008.

Item (2) has been satisfied. Applicant sent a complete copy of the application papers to the non-signing inventor, the package was delivered and after sufficient time passed, a signed declaration has not been returned.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **26 July 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

16 FEB 2010

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

Richard Thibault
52 Sonia Lane
Broomall, PA 19008

In re Application of
THIBAULT, Richard, et al.
Application No.: 10/596,290
PCT No.: PCT/US2004/040970
Int. Filing Date: 08 December 2004
Priority Date: 08 December 2003
Docket No.: CPG 03-26 KF
For: A PACKAGE WITH PILFER PROOF ASSEMBLY

Dear Mr. Thibault:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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ATTN: IP LEGAL DEPARTMENT
1021 Main Campus Drive
Raleigh NC 27606

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Alexandria, VA 22313-1450
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17 JAN 2007

BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6
CANADA

In re Application of	:	
LANGLOIS	:	
Application No.: 10/596,299	:	DECISION ON
PCT No.: PCT/CA2004/002061	:	
Int. Filing Date: 30 November 2004	:	PETITION UNDER
Priority Date: 02 December 2003	:	
Attorney Docket No.: 8381-055	:	37 CFR 1.137(b)
For: PORTABLE INTERACTIVE DISPLAY SYSTEM	:	

This decision is in response to applicant's submission filed 08 June 2006.

BACKGROUND

On 30 November 2004, applicants filed international application PCT/CA2004/002061 which designated the U.S. and claimed a priority date of 02 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2006.

On 08 June 2006, applicant filed a submission 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 08 June 2006.

As to item (2), applicant submitted the petition fee on 08 June 2006.

As to item (3), petitioner's statement that the "the failure to comply with 35 USC § 371 was unintentional during the entire period" has been construed as meaning that the "entire delay in filing the required reply (The required reply being the U.S. Basic National Fee.) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

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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2 0 NOV 2008

Robert Fish
Fish & Associates
2603 Main Street, Suite 1050
Irvine, CA 92614

In re Application of
Ke *et al*
U.S. Application No.: 10/596,306
PCT No.: PCT/US2004/043499
Int. Filing Date: 22 December 2004
Priority Date: 23 December 2003
Docket No.: 100788.0023US
For: Multiplexed Nucleic Acid
Analysis With High Specificity

DECISION

This decision is in response to the "Request For Withdrawal..." filed on 06 August 2008 and the "Revocation of Power of Attorney..." filed on 19 November 2008.

DISCUSSION

37 CFR 1.36(a) states that a power of attorney may be revoked at any stage in the proceedings of a case by an applicant or assignee. Section 402.05 of the Manual of Patent Examining Procedure (MPEP) discusses revocation and states:

> Revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE).

Here, the request for revocation of all previous powers of attorney and grant of power of attorney to the attorneys and/or patent agents associated with customer number 24392 was signed on behalf of the putative assignee of the subject application by Fareed Kureshy in the capacity of "CEO." Attached thereto is a "Statement Under 37 CFR 3.73(b)" signed by Mr. Kureshy and indicating that Autogenomics, Inc. is the assignee of the entire right, title and interest. The 37 CFR 3.73(b) statement refers to a chain of title from joint inventor Ke to the assignee, but does not similarly and explicitly indicate that the other joint inventors have also conveyed title to Autogenomics. It is also stated that documentary evidence of the chain of title was being submitted for recordation purposes, but no such assignment appears to have been recorded. For these reasons, the statement under 37 CFR 3.73(b) is defective. Accordingly, it

would not be appropriate to accept the request for revocation on the basis of the present record.

Concerning the request for withdrawal, 37 CFR 1.36(b) states in part that

> A registered patent attorney or patent agent who has been given a power of attorney pursuant to §1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director. The applicant or patent owner will be notified of the withdrawal of the registered patent attorney or patent agent. Where power of attorney is given to the patent practitioners associated with a Customer Number, a request to delete all of the patent practitioners associated with the Customer Number may not be granted if an applicant has given power of attorney to the patent practitioners associated with the Customer Number in an application that has an Office action to which a reply is due, but insufficient time remains for the applicant to file a reply.

Counsel states that

> The reasons for this request are: Attorney and agents left this customer number 3/3/2007. It was agreed that attorney or his agents would file new powers of attorney for requested client transfers. Attorney has not filed a new power of attorney or has not changed their correspondence address. Therefore, we request withdrawal as power of attorney, and that the correspondence address be changed.

Thus, the reason for the requested withdrawal appears to be an agreement with other counsel (Fish) as to who will represent the client. However, it is not clear which, or whether all, of the owner(s) of the application consent to the change in representation (since the 37 CFR 3.73(b) statement proffered by Fish does not adequately account for all of the inventors' rights). Moreover, counsel's reason does not appear to fall within one of the reasons listed in 37 CFR 10.40. For these reasons, it would not be appropriate to accept either the "Request For Withdrawal..." or the "Revocation of Power of Attorney..." at this time.

As explained at MPEP 403, prior to filing an executed oath or declaration of inventorship,

> the correspondence address may be changed by the party who filed the application. If the application was filed by a patent practitioner, any other patent practitioner named in the transmittal papers may also change the correspondence address. Thus, the inventor(s), any patent practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application, may change the correspondence address in that

application under this paragraph.

Accordingly, the correspondence address is being changed to the address for Fish & Associates provided in the "Request For Withdrawal" filed on 06 August 2008.

DECISION

The requests are **DISMISSED**, without prejudice.

This application will be returned to Technology Center 1634 for further processing. The correspondence address is being changed to the Fish & Associates address appearing above.

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

cc: Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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Alexandria, VA 22313-1450
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16 MAY 2007

Reginald J. Finn
BLEKHOLMSTERRASSEN 9, 7TR
STOCKHOLM, 111 64 SE

In re Application of
SKINSTAD *et al*
U.S. Application No.: 10/596,315
PCT No.: PCT/SE2004/001861
Int. Filing Date: 13 December 2004
Priority Date: 12 December 2003
Attorney Docket No.: 73915-83936
For: METHOD APPARATUS AND COMPUTER PROGRAM FOR MANAGING PURCHASES

DECISION

This decision is in response to the "Request for Withdrawal as Attorney or Agent of Record and Change of Correspondence Address" filed electronically on 11 September 2006. No fee is required.

DISCUSSION

The procedures for properly withdrawing as attorney are stated in Section 402.06 of the Manual of Patent Examining Procedure (MPEP), which reads, in part:

> In the event that a notice of withdrawal is filed by the attorney or agent of record, . . . The withdrawal is effective when approved rather than when received . . .
>
> 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.

A review of the above-captioned application reveals that there are no outstanding responses due. However, Mr. Finn is not listed as the attorney of record in the subject application. Thus, there is no requirement for Mr. Finn to withdraw as attorney.

DECISION

In view of the above discussion, the request to withdraw as attorney of record is **DISMISSED** as **MOOT**.

10/596,315

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: ALBIHNS STOCKHOLM AB
BOX 5581, LINNEGATAN 2
SE-114 85 STOCKHOLM; SWEDENn
STOCKHOLM SE SWED

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UNITED STATES DEPARTMENT OF COMMERCE
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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

Mail Date: 04/20/2010

Applicant	: Rudolf Berger	: DECISION ON REQUEST FOR
Patent Number	: 7661484	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,334	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **455** 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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1 3 NOV 2008

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NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

In re Application of	:	
EBERL, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/596,337	:	
PCT No.: PCT/EP04/13920	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 08 December 2004	:	
Priority Date: 11 December 2003	:	
Atty Docket No.: 101194-100	:	
For: HINGE HOUSING FOR DOOR LEAVES WHICH ARE MADE AT LEAST IN SOME AREAS FROM: THIN-WALLED METAL OR METAL HOLLOW SECTIONS	:	

This decision is in response to applicant's "Request For Correction of Inventorship Under 35 U.S.C. §116" filed 19 April 2007 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 CFR 1.497(d).

BACKGROUND

On 08 December 2004, applicant filed international application PCT/EP04/13920, which claimed priority of an earlier application filed 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 June 2006.

On 09 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment, an English translation of the international application and an information disclosure statement and a declaration.

On 19 April 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 Markus Herper declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has filed a combined declaration and power of attorney executed by the inventor listed on the published international application, as well as, Markus Herper.

As Item (3), applicant has provided a petition fee payment of $130.00.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the addition of Markus Herper 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**.

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

Derek A. Putonen
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0 2 AUG 2007

26288
ALBIHNS STOCKHOLM AB
Box 5581, Linnegatan 2
SE-114 85 Stockholm, Sweden
Stockholm, Sweden

In re Application of ROOS *et al* U.S. Application No.: 10/596,385 PCT No.: PCT/IB04/52762 Int. Filing Date: 10 December 2004 Priority Date: 11 December 2003 Attorney Docket No.: 72824-82894 For: METHOD AND SYSTEM FOR REMOTELY AUTOMATED CROSS-CONNECTS IN TELECOM NETWORKS	**DECISION ON PAPERS FILED UNDER 37 CFR 1.42**

This is a decision on the declaration filed on 31 May 2007 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 04 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/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond.

On 31 May 2006, applicants submitted a declaration signed by one of the two named inventors and the legal representative of the deceased inventor and a $65.00 surcharge fee.

DISCUSSION

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

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

The citizenship, residence and address of all inventors are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the legal representative of the deceased inventor

are also recorded on the declaration as required by 37 CFR 1.497(b)(2).

However, the declaration is defective because it is a composite declaration. As submitted, the declaration consists of three pages, *i.e.*, one Page 1 of 1 and two Page 2 of 2. 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. Applicants must submit the complete declaration signed by each co-inventor.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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07 MAR 2008

26288
ALBIHNS STOCKHOLM AB
Box 5581, Linnegatan 2
SE-114 85
Stockholm, Sweden

In re Application of
ROOS *et al*
Application No.: 10/596,385
PCT No.: PCT/IB2004/052762
Int. Filing Date: 10 December 2004
Priority Date: 11 December 2003
Attorney Docket No.: 72824-82894
For: METHOD AND SYSTEM FOR REMOTELY AUTOMATING CROSS-CONNECTS IN TELECOM NETWORKS

DECISION

This is a decision on the declaration filed on 11 September 2007 which has been treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 02 August 2007, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions available.

On 11 September 2007, applicants submitted a response containing a complete copy of the declaration.

DISCUSSION

In the decision mailed 02 August 2007, it was noted that the declaration contained the required information on the inventors and the legal representative. However, the declaration was not accepted as it deemed to be a composite declaration.

In the subject response, applicants have provided a complete copy of the declaration signed by the co-inventor and the legal representative of the deceased inventor. This declaration is acceptable and meets the requirements of 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

CONCLUSION

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

10/596,385

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 December 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 11 September 2007.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BASF CORPORATION
PATENT DEPARTMENT
1609 BIDDLE AVENUE
MAIN BUILDING
WYANDOTTE MI 48192

COPY MAILED
FEB 02 2010

In re Application of	:	
Jurgen LOHMANN et al.	:	
Application No. 10/596,388	:	DECISION ON PETITION
Filed: June 12, 2006	:	
Attorney Docket No. PAT-01169/BC1-0224	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 07, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 08, 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 amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 07, 2008 is accepted has being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2877 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MARY E. GOLOTA**
CANTOR COLBURN LLC
201 W. BIG BEAVER, SUITE 1101
TROY, MI 48084

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,412	06/13/2006	Jae Keol Rhee	TRIUS.002NP	6355

20995 7590 10/08/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
10/08/2009	ELECTRONIC

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

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

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

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United States Patent and Trademark Office
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OCT 0 8 2009

Carolyn A. Favorito
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:
Jae Keol Rhee et al.	:
Serial No.: 10/596,412	:DECISION ON PETITION
Filed: 13 June 2006	:
Attorney Docket No.: TRIUS.002NP	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 14 September 2009 requesting review and withdrawal of restriction requirement set forth in the Final Office action dated 13 August 2009.

BACKGROUND

This application was filed as a national stage application in compliance with under 35 U.S.C. 371 and as such is subject to PCT unity of invention practice.

On 6 March 2008, the examiner mailed a restriction requirement dividing the claims into Groups I-XI, directed to various compounds, based upon the variable selected for "X" and Groups XII-XIV, directed to various processes. Group XV was directed to another compound. The restriction requirement acknowledged that the application was eligible for concurrent examination of one product, one process of making the product and one process of using the product per PCT Unity Of Invention criteria. The action then assured applicants that

> Claims 1-13,16, 23-30 and 47-50 will be examined to the extent readable on the elected compounds.

On 19 March 2008, applicant elected Group VIII for examination.

On 23 June 2008, claims 1-17 and 21-50 were withdrawn from consideration as being directed to non-elected inventions. The examiner stated that claim 21 had been inadvertently placed in Group VIII, because it was not drawn to the claimed halogenation reaction.

> Claims 18-20 were rejected under 35 USC 102(e) as being anticipated by Chin.
>
> Claims 18-20 were rejected under 35 USC 103(a) as being unpatentable over Chen, Fukuda and Barachyn.

On 16 December 2008, the Office action mailed 23 June 2008 was vacated and apparently re-mailed as a non-final Office action with little, if any, substantive change.

On 29 January 2009, the Office action mailed 16 December 2008 was vacated and a new non-final Office action was mailed which addressed claims 17-22 on the merits.

On 11 February 2009, the Office action mailed 29 January 2009 was vacated and a new non-final Office action was mailed which addressed Claims 17-22 and 36-46. The restriction requirement amongst Groups XII-XIV was withdrawn.

> Claims 17-22 and 36-46 were rejected under 35 USC 102(e) as being anticipated by Chin.
>
> Claims 17-22 and 36-46 were rejected under 35 USC 103(a) as being unpatentable over Chen, Fukuda and Barachyn.

On 11 May 2009, applicants filed a response to the Office action which cancelled claims 1-50 and added new claims 51-99.

On 13 August 2009, in a final Office action, the examiner withdrew claims 53-99 as being directed to non-elected subject matter which was independent and distinct from originally elected process. Claims 51-52 were rejected under 35 USC 103(a) as being unpatentable over Chen, Fukuda and Barachyn. Claim 52 was rejected under 35 USC 112, 2nd paragraph as being indefinite.

Applicants filed an after final reply on 27 August 2009 requesting consideration of the withdrawn claims.

On 4 September 2009, the examiner mailed an advisory action, indicating that the amendment filed after final would not be entered and that because the election had been made without traverse, and because applicants had elected the process invention, rejoinder was not applicable.

On 14 September 2009, applicants filed a Notice of Appeal, a pre-appeal brief request and this petition under consideration.

DISCUSSION

The petition and file history have been carefully considered.

At the onset, the following irregularities have been noted, which are useful in addressing applicant's first request that the finality of the Office action mailed 13 August 2008 be withdraw:

First, this application is the national stage filing of PCT/KR04/003327 and, as such, is eligible for PCT unity of invention practice. In the final Office action dated 13 August 2009, the examiner relied upon the criteria of *independence and distinction* to conclude that claims 54-99 were directed to a different invention. This is not proper. The examiner should have followed guidelines in MPEP Chapter 1800, PCT Rule 13.2 and International Search and Examination Guidelines Chapter 10 to determine whether the invention shared a special technical feature or were of general similar nature such that unity was present.

For this reason alone, the Office action mailed 13 August 2008 is incorrect and will be withdrawn. Because the final Office action has been withdrawn, the amendment filed 27 August 2009 will be entered.

Second, while the national stage filing is entitled to PCT Unity of Invention practice with regard to any restriction or election of species requirement, examination of a national stage filing must comport with US practice per 35 USC 372(a),

> All questions of substance and, within the scope of the requirements of the treaty and Regulations, procedure in an international application designating the United States shall be determined as in the case of national applications regularly filed in the Patent and Trademark Office.

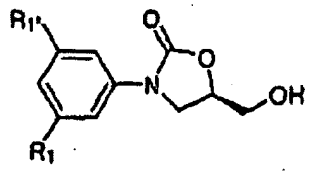
Third, the examiner appears to placing undue weight upon the fact that applicants made their original election without traverse. This is inappropriate for two reasons.

> (a) Applicant's original election was made following the assurance that the elected product, and its first process of making and process of using inventions would be examined together. The examiner did not honor that assurance in the subsequent Office actions.
>
> (b) Acquiescing to an original restriction requirement does not in any way prevent applicants from traversing or petitioning any second or subsequence restriction requirement. Here, the subsequent restriction requirement was timely traversed in the after final amendment. Because the petition under 37 CFR 1.181was filed within two months of the advisory action, it is considered timely and proper.

Fourth, in the first Office action on the merits, the examiner has, on one hand, withdrawn an independent claim 17 directed to a method of preparing an oxazolidinone derivative of Formula

(I) while on the other hand, examined claims 18, 19 and 20m each of which directly depends upon and further limits the method of withdrawn claim 17. This is improper.

18. (new): The method of claim 17, wherein the compound of Formula (III) is obtained by halogenating a compound of Formula (II):



(II),

wherein R_1 and R_1' each have the same meanings as defined in claim 17.

19 (new): The method of claim 17, wherein R_1 is fluorine, R_1' is either hydrogen or fluorine, and Y represents a halogen.

20. (new): The method of claim 17, wherein Y is iodine.

Fifth, in the first Office action on the merits, the examiner withdrew claims 1-13, 16, 23-30 and 47-50 which applicants had been assured would be examined to the extent readable on the elected compounds. By withdrawing these claims, the examiner is altering the restriction requirement without giving applicants reasons for this action or providing applicants with the opportunity to change their election. This is not correct.

Sixth, during preparation of the Final Office action, the examiner appears to have confused claim format (independent versus dependent claims) with independent and dependent (related) inventions. It is not the format of the claims, but rather the substance of the subject matter which determines whether restriction or lack of unity holding is appropriate. It is noted that examined Claims 52 depends upon examined claim 51 while withdrawn claims 54-99 depend upon withdrawn claim 53.

Seventh, the original lack of unity determination placed the process claims in Groups XII, XIII and XIV. In the Supplemental non-final Office action mailed 11 February 2009, the restriction requirement between Groups XII, XIII and XIV was withdrawn, such that the process claims which were pending on 11 February 2009 were examined together on the merits.

In view of these inconsistencies, the Office has not established a clear record as required by 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.

The claims as currently pending are now considered for unity of invention anew in this decision.

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

When Claims Are Directed to Multiple Categories of Inventions:

As provided in 37 CFR 1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; or

(2) A product and process of use of said product; or

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) A process and an apparatus or means specifically designed for carrying out the said process; or

(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Otherwise, unity of invention might not be present. See 37 CFR 1.475(c).

The currently pending claims 51-99 may be sorted as follows:

> Group I, claims 51-73, drawn to a process of making the oxazolidinone derivative of Formula I
> Group II, claims 74-95, drawn to the compound of Formula I and composition comprising Formula I
> Group III, claims 96-99, drawn to a method of using the compound of claim 74 for treating bacterial infection.

Concerning the examiner's attempt to divide Claims 51-52 and Claims 53-73, in the final Office action, the following chart aligns the some of various limitations of Claim 51 and 52 (under examination) with Claim 53 (withdrawn from consideration) to establish that Claims 51, 52 and 53 encompass the same embodiments. For this reason, unity of invention is present amongst Claims 51-73 *a priori*.

Claim 51 (under examination)	Claims 52 (under examination)	Claim 53 (withdrawn from examination)
A method for preparing an oxalidinone derivative of Formula (I)	Depends upon claim 51	A method for preparing an oxalidinone derivative of Formula (I)
Identical variables for R1, R'1, R2, R3, R5, R6, R7 and m		Identical variables for R1, R'1, R2, R3, R5, R6, R7 and m
	Reacting compound of Formula (V) under conditions to prepare the compound of Formula (1).	Reacting compound of Formula (V) under conditions to prepare the compound of Formula (1).

In this application, the examiner maintained lack of unity in the Final Office action amongst product and process of making and process of using the product, even though there was no prior art rejection on elected product claims. This was incorrect. If the claimed product is free of the prior art, the examiner should concurrently examine the first method of making and the first method of using the claimed product along with the first product, per 37 CFR 1.475.

Applicants and the examiner have discussed rejoinder practice. In an effort to clarify any mis-interpretations, MPEP 1893.05(d) is cited here to address rejoinder practice for national stage applications in compliance with 35 USC 371:

> If an examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are allowable (i.e., meet the requirements of 35 U.S.C. 101, 102, 103 and 112), the nonelected invention(s) should be considered for rejoinder. Any nonelected product claim that requires all the limitations of an allowable product claim, and any nonelected process claim that requires all the limitations of an allowable process claim, should be rejoined. See MPEP § 821.04. Any nonelected processes of making and/or using an allowable product should be considered for rejoinder**. The examiner should notify applicants of potential rejoinder of non-elected process claims by placing form paragraph 8.21.04 at the end of any lack of unity determination made between a product and a process of making the product or between a product and a process of using the product.

Concerning any request for rejoinder between Group I and III, see MPEP 821.04(a) which states in part:

> Where restriction was required between independent or distinct products, or between independent or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any nonelected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn.

Rejoinder between Group I and II would generally have been contingent upon election of a product claim. See MPEP 821.04(b) which says

> However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder.

In this instance, however, because applicants had been assured that the product and process claims would be examined together in the original restriction requirement, and because there is no prior art of record on the product claims, the first product (claims 74-95), the method of making the first product (claims 51-73) and the method of using the first product (Claims 96-99) will be examined together on the merits.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The final Office action mailed 13 August 2008 is hereby vacated.

Because the final Office action has been vacated, the amendment filed 27 August 2009 will be entered.

A pre-appeal conference will be held shortly to discuss the rejections of record over claims 51 and 52.

The application will be forwarded to the examiner for preparation of an Office action on all pending claims consistent with this decision.

Because the extensive delays in initiating prosecution on the merits in this application, the next Office action will be reviewed by the Supervisory Patent Examiner prior to mailing, see MPEP 707.02 second paragraph.

> "The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution."

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.

Remy Yucel
Director, Technology Center 1600

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OFFICE OF PETITIONS

HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

In re Application of
Horst Egger, et al.
Application No. 10/596,472
Filed: June 14, 2006
Attorney Docket No. EGGER

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 9, 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 strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

The request cannot be approved because practitioners were not appointed by customer number.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: OLAF SCHWANDT
TEUCHI 54
PENK 9816 AUSTRIA

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OFFICE OF PETITIONS

HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

In re Application of
Horst Egger, et al.
Application No. 10/596,472
Filed: June 14, 2006
Attorney Docket No. EGGER

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a renewed decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 30, 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 strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

The request cannot be approved because practitioners were not appointed by customer number.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: OLAF SCHWANDT
TEUCHI 54
PENK 9816 AUSTRIA

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RESEARCH TRIANGLE PARK, NC 27709-3398

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Applicant: Bailey, et al.
Appl. No.: 10/596,503
Filing Date: December 15, 2005
Title: BENZAPINE DERIVATIVES AS HISTAMINE H3 ANTAGONISTS
Attorney Docket No.: PB60626USw
Pub. No.: US 2007/0060566 A1
Pub. Date: March 15, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 4, 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 abstract which was submitted in the preliminary amendment of in the preliminary amendment of June 15, 2007 was not published.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the abstract 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:

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (a) . . . The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments** to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. Applicant did not file a copy of the application in compliance with the electronic filing system requirements.

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

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

2 0 FEB 2008

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
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NEW BRUNSWICK NJ 08933-7003

In re Application of	:	
FREYNE et al.	:	
Application No.: 10/596,509	:	DECISION
PCT No.: PCT/EP2004/053497	:	
Int. Filing Date: 15 December 2004	:	
Priority Date: 18 December 2003	:	
Attorney's Docket No.: PRD-2168USPCT	:	
For: 3-CYANO-QUINOLINE DERIVATIVES WITH	:	
ANTIPROLIFERATIVE ACTIVITY	:	

This decision is in response to applicants' petition under 37 CFR 1.59(b) filed 06 November 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 December 2004, applicants filed international application PCT/EP2004/053497, which designated the U.S. and claimed a priority date of 18 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 at midnight on 19 June 2006 (18 June 2006 being a Sunday).

On 15 June 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 November 2006, applicants submitted the instant petition under 37 CFR 1.59(b).

DISCUSSION

The petition requests that the documents filed by U.S. mail on 30 October 2006 in US application number 10/596,609 ('609 application) be either transferred to the instant application or expunged from the '609 application.

A petition under 37 CFR 1.59(b) is for expungement of papers rather than transfer of papers. Accordingly, the documents filed 30 October 2006 in the '609 application will not be transferred to the instant application. The petition to expunge must be filed in the application in which the papers are to be expunged. Here, the petition to expunge was filed in an application in which no papers are to be expunged.

CONCLUSION

The petition under 37 CFR 1.59(b) is **DISMISSED** without prejudice for the reasons set forth above.

It is suggested that a petition under 37 CFR 1.59(b) be filed in the '609 application.

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

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

/Daniel Stemmer/

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

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OFFICE OF PETITIONS

PHILIP S. JOHNSON
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NEW BRUNSWICK NJ 08933-7003

In re Patent No. 7,655,642	:	DECISION ON REQUEST
Freyne, et al.	:	FOR
Issue Date: February 2, 2010	:	RECONSIDERATION OF
Application No. 10/596,509	:	PATENT TERM ADJUSTMENT
Filed: June 15, 2006	:	and
Atty Docket No. PRD-2168USPCT	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 26, 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 four hundred and forty-three (443) 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 four hundred and thirty-nine (439) days[1] is **GRANTED to the extent indicated herein.**

---

[1] The "B" delay period is 228 days, not 232 days. In calculating the "B" delay period, patentee used the date of June 15, 2006, as the date the national stage commenced under 35 U.S.C. 371(b). In an international application, the "B" delay 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 December 18, 2003. The date that is 30 months from the priority date is Sunday June 18, 2006. As the national stage cannot commence on a weekend or federal holiday, the date the national stage commenced in this application is Monday, June 19, 2006. Thus, "B" delay is 228 days, counting the number of days beginning on June 20, 2009, and ending on February 2, 2010, the date of issuance. See 1.703(b).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

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 Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by four hundred thirty-nine **(439)** 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

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,655,642 B2

DATED : Feb. 2, 2010

INVENTOR(S) : Freyne 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 (217) days

Delete the phrase "by 217 days" and insert – by 439 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PHILIP S. JOHNSON
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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JUN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Freyne et al.	:	
Application No. 10/596512	:	ON APPLICATION FOR
Filing or 371(c) Date: 06/15/2006	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
026038.0282PTUS	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(b), filed March 12, 2010. Applicant submits that the estimated patent term adjustment to be indicated on the patent is a minimum of 531days, not 222 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of

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

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

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

The 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.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

CC: PATTPN BOGGS LLP
8484 WESTPARK DRIVE, 9TH FLOOR
McLEAN, VA 22102

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

In re Application of REINEKE, Theresa, et al. Application No.: 10/596,520 PCT No.: PCT/US2004/042949 Int. Filing Date: 20 December 2004 Priority Date: 19 December 2003 Attorney's Docket No.: 10738-97 For: POLYAMIDES AND POLYAMIDE COMPLEXES AND METHOD OF USE	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to applicants' response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 12 September 2008, filed in the United States Patent and Trademark Office on 10 October 2008.

BACKGROUND

On 12 September 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration of the inventors was defective and that a copy of the sequence listing in computer readable format, in compliance with regulations, were required. The Notification set a one month time limit for response.

On 10 October 2008, applicant filed a request under 37 CFR 1.497(d) and a sequence listing in computer readable format.

DISCUSSION

Applicants file this request to Walter Keith Jones, 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) have been satisfied. Applicants provided a statement by Walter Keith Jones and the processing fee.

Item (3) has not been satisfied. The written consent of the assignee must comply with 37 CFR 3.73. A review of the papers did not locate 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" a statement specifying where the chain of title is recorded in the assignment records of the Office. See 37 CFR 3.73(b)(1). Further, it is noted that the assignment has not been recorded nor has a recordation fee been paid.

Further, the sequence listing furnished by applicants was found defective and could not be entered. Applicant has failed to comply with the Notification of Defective Response within the time limit. This application is abandoned. Applicants may wish to consider filing a petition under 37 CFR 1.137.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

This application is **ABANDONED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply may be construed as intentional delay.

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

27 APR 2009

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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

In re Application of	:	
REINEKE, Theresa, et al.	:	
Application No.: 10/596,520	:	DECISION
PCT No.: PCT/US2004/042949	:	
Int. Filing Date: 20 December 2004	:	ON REQUEST UNDER
Priority Date: 19 December 2003	:	
Attorney's Docket No.: 10738-97	:	37 CFR 1.497(d)
For: POLYAMIDES AND POLYAMIDE COMPLEXES AND METHOD OF USE:	:	

This decision is in response to applicants' renewed request under 37 CFR 1.497(d) and petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 16 December 2008 and 30 December 2008 respectively.

BACKGROUND

On 19 November 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d) dismissing applicants' request under 37 CFR 1.497(d) and noting that the application was abandoned for failure to submit a sequence listing in computer readable format in compliance with the rules within the required time period.

On 16 December 2008, applicant filed a request under 37 CFR 1.497(d).

On 30 December 2008, applicant filed a petition to withdraw the holding of abandonment for failure to submit a compliant sequence listing in computer readable format.

DISCUSSION

Applicants file this request to Walter Keith Jones, 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. Applicants provided a statement by Walter Keith Jones and the processing fee.

Item (3) has now been satisfied.

Further, the sequence listing previously furnished by applicants has now been entered. As the sequence listing supplied in timely response to the Notification of Defective Response has now been entered, this application is not abandoned. The prior holding of abandonment is withdrawn.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

The holding of abandonment in the 19 November 2008 decision is **VACATED**.

This application is being forwarded to the National Phase 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

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Dinsmore & Shohl, LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202

In re Application of:	:	
REINIKE, et. al.	:	
Application No.: 10/596,522	:	DECISION
PCT No.: PCT/US04/42948	:	
Int. Filing Date: 20 December 2004	:	
Priority Date: 19 December 2003	:	
Attorney's Docket No.: 91830.0542771	:	
For: POLYAMIDES AND POLYAMIDE COMPLEXES FOR DELIVERY OF OLIGONUCLEOTIDE DECOYS		

This decision is in response to applicants' "Petition For Correction of Title under 37 CFR 1.181" filed 17 June 2008 seeking correction of the application title. No petition fee is required.

BACKGROUND

On 20 December 2004, applicants filed international application PCT/US04/42948 which claimed a priority date of 19 December 2003. The deadline for payment of the basic national fee was thirty months after the international filing date, i.e. 19 June 2006.

On 15 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a copy of the international application. The title set forth on the published international application is "Polyamides and Polyamide Complexes For Delivery of Oligonucleotide Decoys."

On 17 June 2008, applicants filed the present request considered herein. The request asks that the title of the invention to be corrected to "Polyamides for Nucleic Acid Delivery."

DISCUSSION

Section 1893.03(e)(1) of the Manual Of Patent Examining Procedure (MPEP) states the following regarding the title in U.S. national stage applications:

> In the absence of an application data sheet (37 CFR 1.76) or preliminary amendment changing the title, the Office will use the title of the invention that appears on the first page of the description of the published international application (if published under PCT Article 21 in English) or the title that appears on the first page of the description of the English translation of the international application (if not published under PCT Article 21 in English) in preparing the official filing receipt. If the title does not appear on the first page of the description, and an application data sheet or preliminary amendment changing the title has not been furnished, then the title will be taken from the cover page of the published international application. If applicant furnishes an application data sheet or preliminary amendment changing the title, the Office will use the title as indicated in such document in preparing the official filing receipt. If applicant submits both an application data sheet and a preliminary amendment, the later filed document will govern. See 37 CFR 1.76(d)(1). An application data sheet will govern over a concurrently filed preliminary amendment. See 37 CFR 1.76(d)(2)

Here, pursuant to the policy set forth in the MPEP, the USPTO has assigned the national stage application the "title of the invention indicated on the cover page of the publication." Applicants have not filed either a preliminary amendment or an application data sheet (ADS) to change the title. Accordingly, applicants' present request to modify the title of the present application cannot be granted on the present record.

CONCLUSION

Applicants' request for a corrected filing receipt is **DISMISSED** without prejudice.

The title of record remains "Polyamides and Polyamide Complexes For Delivery of Oligonucleotide Decoys," as set forth on the published international application.

Anthony Smith
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Fax: (571) 273-0459

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Date Mailed: November 21, 2007

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO IL 60601

Applicant: Casana Giner et al.
Appl. No.: 10/596,556
Filing Date: June 16, 2006
Title: CONTINUOUS MULTI-MICROENCAPSULATION PROCESS FOR IMPROVING THE STABILITY AND STORAGE LIFE OF BIOLOGICALLY ACTIVE INGREDIENTS
Attorney Docket No.: 38438.00.0002
Pub. No.: US 2007/0077308 A1
Pub. Date: April 7, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 16, 2007, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 11/23/2007 KKING1
11/16/2007 INTEFSW 00007339 220259 10596556
01 FC:1504 300.00 CR

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TORYS LLP
79 WELLINGTON STREET WEST, SUITE 3000
BOX 270, TD CENTRE
TORONTO ON M5K 1N2 CA CANADA

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DEC 02 2009

OFFICE OF PETITIONS

In re Application of	:	
James A. Hardin, et al.	:	
Application No. 10/596,565	:	DECISION ON PETITION
Filed: May 7, 2007	:	TO WITHDRAW
Attorney Docket No. 32346-2060	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed October 7, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Torys, LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

It is also noted that power of attorney was entered into this application upon, however, there was no power of attorney actually filed in this application. All representatives have been removed from this application and the address will remain with Torys, LLP until a proper power of attorney is filed.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JIM HARDIN
56 EDGEPARK CRES. NW
CALGARY, ALBERTA T3A 4C1
CANADA

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OFFICE OF PETITIONS

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

In re Application No. 10/596,574	:	DECISION ON REQUEST
Thomas, et al.	:	FOR
Filed: June 16, 2006	:	RECONSIDERATION OF
Attorney Docket No.ESSR:117US/10607658	:	PATENT TERM ADJUSTMENT

This is a decision on the petition filed on January 21, 2010, which is being treated as a petition under 37 CFR 1.705(b) 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 seventy-four (574) days.

For the reasons stated in the discussion of 37 CFR 1.702(a)(1), the filing receipt and notice of acceptance have been corrected to reflect a date of completion of all 35 U.S.C. 371 requirements 371(c) of June 19, 2006. Copies of the corrected filing receipt and notice of acceptance are enclosed.

The application for patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct patent term adjustment determination at the time of the mailing of the notice of allowance is **five hundred and seventy-one days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 8, 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 was 573 days. Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[1], 573 days[2] of patent term

[1] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

adjustment were accorded during the pendency of the application for Office delay prior to the issuance of patent.

In response, applicants timely[3] filed the instant request for reconsideration of the patent term adjustment. Applicants state that the period of adjustment to the patent term should be 574 days, not 573 days. Specifically, applicants state that:

> [a]pplicants note that the PAIR entries indicate an [Office] delay of 573 days for failure by the Patent Office to mail an action under 35 U.S.C. 132 not later than 14 months after the filing date (i.e, by August 16, 2007). However, applicants believe this to be in error, the period of delay from August 16, 2007 to March 12, 2009 (the date of mailing of the first office action) is 574 days. Applicants respectfully request an adjustment of the patent term from 573 days to 574 days, an adjustment of 1 day.

Excerpt taken from "Application for Patent Term Adjustment Under to 37 CFR § 1.705(b)", filed January 21, 2010, pgs. 1-2.

The application history has been reviewed and it has been determined that the period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 571 days, not 574 as applicants assert.

At the outset, it is noted that neither the applicants, or the Office, used the completion date of Monday June 19, 2006, in calculating the period of adjustment under 37 CFR 1.703(a)(1). As stated in 37 CFR 1.703(a)(1), the period of adjustment under § 1.702(a) is the number of days in the period beginning on the

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> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

[2] A restriction/election requirement was mailed on March 12, 2009, 14 months and 573 days after the completion of all 35 U.S.C. 371 requirements on June 17, 2006.

[3] The Notice of Allowance and Issue Fee Due was mailed December 8, 2009; the issue fee was paid on January 27, 2010.

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 under 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. It is noted that the requirements of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) were received on June 16, 2006, however the application could not have been said to have fulfilled, or completed, all of the 35 U.S.C. 371 requirements until June 17, 2006. More specifically, where a request for early processing is not made pursuant to 35 U.S.C. 371(f), the date of completion of all 35 U.S.C. 371 requirements cannot be before the expiration of thirty months from the earliest priority date. See 37 U.S.C. 371(f). It is noted that applicants did not request early processing for this application pursuant to 35 U.S.C. 371(f). The earliest priority date for this application is December 17, 2003, and the date that is thirty months therefrom is Saturday, June 17, 2006. It is further noted, however, that where the date of commencement falls on a weekend, the commencement date, which, in this case, is also the date of completion of the requirements under 35 U.S.C. 371 requirements, is the next weekday. Accordingly, Monday June 19, 2006, is the date the application fulfilled all of the requirements under 35 U.S.C. 371 and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a).[4]

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 571 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, August 20, 2007, and ending on the date of mailing of the restriction/election requirement, March 12, 2009. Accordingly, the period of adjustment of 573 days will be removed and a period of adjustment of 571 will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 571 days (571 days of Office delay - 0 days of applicant delay).

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[4] Applicants are advised that a corrected "Notice of Acceptance of Application under 35 U.S.C.371 and 37 CFR 1.495" is not forthcoming. The instant decision serves as official notice that the date of completion of all 35 U.S.C. 371 requirements is June 19, 2006.

The $200.00 fee set forth in 37 CFR 1.18(e) is being charged as authorized. No additional fees are 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 in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

PALM INTRANET

Day : Saturday
Date: 5/8/2010
Time: 20:41:41

PTA Calculations for Application: 10/596574			
Application Filing Date:	06/16/2006	PTO Delay (PTO):	573
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	571
PTO Delay Adjustment:	-2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	05/08/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
48	12/08/2009	MAIL NOTICE OF ALLOWANCE			
47	12/07/2009	ISSUE REVISION COMPLETED			
46	12/07/2009	DOCUMENT VERIFICATION			
45	12/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	12/07/2009	CASE DOCKETED TO EXAMINER IN GAU			
43	12/07/2009	NOTICE OF ALLOWABILITY			
42	11/13/2009	DATE FORWARDED TO EXAMINER			
41	11/03/2009	RESPONSE AFTER NON-FINAL ACTION			
40	08/03/2009	MAIL NON-FINAL REJECTION			
39	07/31/2009	NON-FINAL REJECTION			
36	02/20/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	05/19/2009	DATE FORWARDED TO EXAMINER			
26	05/12/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
25	05/12/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	03/12/2009	MAIL RESTRICTION REQUIREMENT	573		5
23	03/11/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
16	07/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	08/21/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	08/02/2007	PG-PUB ISSUE NOTIFICATION			
12	06/28/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	02/20/2007	REFERENCE CAPTURE ON IDS			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

10	02/20/2007	FILED			
7	02/20/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
5	06/17/2006	371 COMPLETION DATE			
4	04/25/2007	SENT TO CLASSIFICATION CONTRACTOR			
3	04/26/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	06/17/2006	CLEARED BY OIPE CSR			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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18 MAR 2009

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

In re Application of COUFFIN et al	:	
U.S. Application No.: 10/596,578	:	
PCT Application No.: PCT/CA2006/000772	:	
Int. Filing Date: 12 May 2006	:	
Priority Date Claimed: 12 May 2005	:	DECISION
Attorney Docket No.: BRKP:025US	:	
For: ABSORBENT HYDROPHOBIC	:	
BORONATE GALACTOMANNAN COMPLEXES	:	
AND PROCESS FOR PRODUCING SAME	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 06 February 2009.

BACKGROUND

On 12 May 2006, applicant filed international application PCT/CA2006/000772, which claimed priority of an earlier Canada application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 16 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 July 2008, 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 06 February 2009, 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 inventors each on his/her own behalf and on behalf of the nonsigning inventor.

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

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Mohammed Berrada refuses to sign the application papers. Although the affidavit of Charles Landrum states that the application papers were sent to Erwin Schultz, there is no evidence based on firsthand knowledge that Mr. Berrada received the application papers from Dr. Schultz. Furthermore, an affidavit from the person to whom Mr. Berrada's purported refusal to sign was made has not been provided. Such affidavit must specify the circumstances of the refusal. Thus, it would not be reasonable to conclude at the present time that Mr. Berrada refuses to join in the application.

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

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

CONCLUSION

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

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AUSTIN, TX 78701

In re Application of COUFFIN et al	:	
U.S. Application No.: 10/596,578	:	
PCT Application No.: PCT/CA2006/000772	:	
Int. Filing Date: 12 May 2006	:	
Priority Date Claimed: 12 May 2005	:	DECISION
Attorney Docket No.: BRKP:025US	:	
For: ABSORBENT HYDROPHOBIC	:	
BORONATE GALACTOMANNAN COMPLEXES	:	
AND PROCESS FOR PRODUCING SAME	:	

This is in response to applicant's petition under 37 CFR 1.181 filed 12 June 2009.

BACKGROUND

On 12 May 2006, applicant filed international application PCT/CA2006/000772, which claimed priority of an earlier Canada application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 16 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 July 2008, 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 06 February 2009, applicant filed a petition under 37 CFR 1.47(a).

On 18 March 2009, this Office mailed a decision dismissing the 06 February 2009 petition.

On 04 June 2009, the Office mailed a Notice of Abandonment, which stated that the application is abandoned for failure to timely respond to the 18 March 2009 decision.

On 12 June 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The present petition requests that the Notice of Abandonment be withdrawn. A review of the 18 March 2009 decision reveals that the two-month period for reply is extendable by five months. Therefore, the Notice of Abandonment was sent prematurely.

CONCLUSION

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

The Notice of Abandonment mailed 04 June 2009 is hereby VACATED.

The application will be held in the Office of PCT Legal Administration to await applicant's response to the 18 March 2009 decision.

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In re Application of COUFFIN et al	:	
U.S. Application No.: 10/596,578	:	
PCT Application No.: PCT/CA2006/000772	:	
Int. Filing Date: 12 May 2006	:	
Priority Date Claimed: 12 May 2005	:	DECISION
Attorney Docket No.: BRKP:025US	:	
For: ABSORBENT HYDROPHOBIC	:	
BORONATE GALACTOMANNAN COMPLEXES	:	
AND PROCESS FOR PRODUCING SAME	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 07 August 2009.

BACKGROUND

On 12 May 2006, applicant filed international application PCT/CA2006/000772, which claimed priority of an earlier Canada application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 16 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 July 2008, 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 06 February 2009, applicant filed a petition under 37 CFR 1.47(a).

On 18 March 2009, this Office mailed a decision dismissing the 06 February 2009 petition.

On 07 August 2009, 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.

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

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

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Mohammed Berrada refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Berrada for signature (see affidavit of Frederic Picard, ¶4). Furthermore, the petition sufficiently demonstrates that Berrada refuses to sign. In particular, Berrada's statement that he will no longer be corresponding with Mr. Picard evidences a constructive refusal to sign. Thus, it can be concluded with reasonable certainty that Berrada refuses to join in the application.

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 12 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 February 2009.

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.

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07 OCT 2009

Mohammed Berrada
2381 Asselin
Longueuil, Quebec J4M 2M5
CANADA

In re Application of COUFFIN et al
U.S. Application No.: 10/596,578
PCT Application No.: PCT/CA2006/000772
Int. Filing Date: 12 May 2006
Priority Date Claimed: 12 May 2005
For: ABSORBENT HYDROPHOBIC BORONATE GALACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME

Dear Mohammed Berrada:

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.

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Charlotte, NC 28244

In re Application of	DECISION ON
LANG, Heinz-Jurgen et al	
Application No.: 10/596,581	
PCT No.: PCT/GB2004/005329	PETITION UNDER
Int. Filing Date: 17 December 2004	
Priority Date: 17 December 2003	37 CFR 1.137(b)
Attorney's Docket No.: 3144/116US	
For: BELT TENSION INDICATOR	

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 25 November 2008.

BACKGROUND

On 17 December 2004, this international application was filed, claiming an earliest priority date of 17 December 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 was 17 June 2006.

On 16 June 2006, applicant filed electronically via EFS-Web entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 22 March 2007, the United States Patent and Trademark Office erroneously mailed a Notification of Acceptance (PCT/DO/EO/903).

On 10 January 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date, and must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 26 September 2008, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01/10/2008 within the time period set therein.

On 25 November 2008, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee, petition, and an executed declaration.

DISCUSSION

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

Petitioner has satisfied requirements (2), (3), and (4) under 37 CFR 1.137(b) but not requirement (1).

Petitioner has not provided: (1) the proper reply that is a properly executed declaration. The composite declaration is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3) must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of two sets of declarations. Each declaration must contain the names all inventors on. In this case, petitioner appears to have provided two sets of executed declaration the first set is complete since it has all four (4) sheets, while the second set only has one sheet, page 4 with the signature David Shaun Carine. The signatures of the inventors may be on separate declarations but each declaration must list all the inventors. Therefore the composite Declaration is defective.

Petitioner provided: (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is not deemed to satisfy items (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

A proper response to this decision is a new declaration, which must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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In re Application of	DECISION ON
LANG, Heinz-Jurgen et al	
Application No.: 10/596,581	
PCT No.: PCT/GB2004/005329	PETITION UNDER
Int. Filing Date: 17 December 2004	
Priority Date: 17 December 2003	37 CFR 1.137(b)
Attorney's Docket No.: 3144/116US	
For: BELT TENSION INDICATOR	

This decision is responsive to applicants' "RENEWED PETITION UNDER 37 CFR 1.137(b)" filed on 25 June 2009 requesting the acceptance of the executed declaration.

BACKGROUND

In a decision from this Office on 11 May 2009, the declaration submitted was not accepted because it did not comply with 37 CFR 1.497(a) and (b) because applicants submitted a composite declarations, which were incomplete.

On 25 June 2009 applicants submitted a second renewed petition under 37 CFR 1.137(b) submitting a proper executed declaration.

DISCUSSION

The declarations filed on 25 June 2009 is a properly executed declaration that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

The petition 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 **25 June 2005**.

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01 JUN 2007

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In re Application of	:	
HARRISON et al.	:	
Application No.: 10/596,592	:	DECISION ON PETITION
PCT No.: PCT/US03/40137	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 12 December 2003	:	
Priority Date: 13 December 2002	:	
Attorney Docket No.: TRM044	:	
For: MULTIPLE ROOF CONFIGURATIONS FOR A SINGLE VEHICLE PLATFORM	:	

The petition to revive under 37 CFR 1.137(b) filed 16 June 2006 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith

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2 9 JAN 2007

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54071
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In re Application of :
ASAMURA *et al* :
Application No.: 10/596,635 :
PCT No.: PCT/JP2005/00190 :
Int. Filing Date: 11 January 2005 :
Priority Date: 30 January 2004 : **DECISION**
Attorney Docket No.: 90606.162/ym :
For: MOUNTING STRUCTURE FOR FUEL :
PUMP OF VEHICLE ENGINE AND :
VEHICLE INSTALLING THE SAME :

This is a decision on the declaration filed on 13 December 2006 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 04 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497 and a surcharge fee. Applicants were given two months to respond with extensions of time available.

On 13 December 2006, applicants filed a declaration executed by two of the three named inventors and by a legal representative on behalf of a deceased inventor along with the surcharge fee.

DISCUSSION

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

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

A review of the declaration shows that it is not in compliance with 37 CFR 1.497(a) and (b). The declaration is required to list the citizenship, residence and address of the legal representative pursuant to 37 CFR 1.497(b)(2). In addition, the

citizenship information for all inventors including the deceased inventor is required.

Here, it appears that only the information for the deceased inventor is recorded on the declaration. Further, the declaration contains foreign language text, but it is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. As such, the declaration cannot be accepted for this reason also.

CONCLUSION

For the reasons discussed above, the papers filed under 37 CFR 1.42 are **DISMISSED**.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

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

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17 MAY 2007

54071
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In re Application of	:	
ASAMURA *et al*	:	
Application No.: 10/596,635	:	
PCT No.: PCT/JP2005/00190	:	
Int. Filing Date: 11 January 2005	:	
Priority Date: 30 January 2004	:	**DECISION**
Attorney Docket No.: 90606.162/ym	:	
For: MOUNTING STRUCTURE FOR FUEL	:	
PUMP OF VEHICLE ENGINE AND	:	
VEHICLE INSTALLING THE SAME	:	

This is a decision on the declaration filed on 29 March 2007 which has been treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 29 January 2007, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions available.

On 29 March 2007, applicants filed another declaration and a "Statement Under 37 CFR § 1.69.

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 original declaration submitted 13 December 2006 failed to provide the required information regarding the deceased inventor and legal representative. Moreover, a statement declaring that the English text is an accurate translation of the foreign text pursuant to 37 CFR 1.69 was also required.

In the renewed petition, applicants have provided an acceptable declaration in

compliance with 37 CFR 1.497(a) and (b) containing all the required information on the inventors and legal representative. A statement on the accuracy of the English translation was also submitted.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 January 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 29 March 2007.

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

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OFFICE OF PETITIONS

In re Application of
DeWilde, et al.
Application No. 10/596,644
Filed/Deposited: 20 June, 2006
Attorney Docket No. NL04 1251 US1

DECISION

This is a decision on the petition filed on 6 June, 2008, and resubmitted on 5 September, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or

EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioners' attentions always are drawn to the Commentary at MPEP §711.03(c).[1]

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[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

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I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

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

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

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

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

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

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

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513).

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects that:

Applicant, appeared to fail to reply timely and properly to a Restriction Requirement mailed on 7 January, 2008, with reply due absent extension of time on or before 7 February, 2008.

The application went abandoned by operation of law after midnight 7 February, 2008.

The Office mailed the Notice of Abandonment 14 May, 2008.

On 4 June, 2008, Petitioner filed the instant petition with, *inter alia*, Petitioner's averment of timely reply with copies of the reply in the form of an Election and of the acknowledgement of the reply in the form of an Election along with a request and fee for extension of time to make timely on 9 May, 2008, at "09:49:18."

As indicated above, Petitioner resubmitted these materials on 5 September, 2008.

When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

Petitioner appears to comply with the guidance in the Commentary at MPEP §711.03(c), which sets forth the showing requirements herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[3] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 14 May, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2829 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 Technology Center/AU in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the Technology Center/AU where that change of status must be effected.

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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[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.

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

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Larsson et al.	:	
Application No. 10/596,683	:	ON PETITION
Filed: June 21, 2006	:	
Attorney Docket No. P18752-US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 24, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 25, 2009. It is noted that on June 26, 2009, petitioner responded with an amendment including a 5-month extension of time. The response, however, was untimely since the statutory period for reply ended on June 24, 2009 at midnight. 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). Consequently, a Notice of Abandonment was mailed July 21, 2009. On August 3, 2009, the present petition was filed.

The petition is found to satisfy 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.

Since the $2,350 extension of time fee submitted on June 26, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This application is being referred to Technology Center 2617 for appropriate action in the normal course of business on the amendment received June 26, 2009.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Inquires relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

0 9 FEB 2007

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ALEXANDRIA, VA 22313-1450
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	DECISION ON
Henrik Sjoland et al	
Application No.: 10/596,691	
PCT No.: PCT/EP2004/013000	
Int. Filing Date: 17 March 2004	PETITION UNDER
Priority Date: 10 October 2003	
Attorney's Docket No.: P18137-US2	
For: MIXER ARRANGEMENT	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 21June 2006.

BACKGROUND

On 17 November 2004, this international application was filed, claiming an earliest priority date of 10 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 12 April 2006. This international application became abandoned with respect to the United States at midnight on 12 April 2006 for failure to pay the required basic national fee.

On 21 June 2006, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

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

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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Mitsunori Ishimasa	: DECISION ON REQUEST FOR
Patent Number	: 7671517	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,718	: OF WYETH
Filed	: 06/22/2006	:
		:

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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

MAILED

JUN 26 2009

OFFICE OF PETITIONS

Applicant: Alenfalk et al.
Appl. No.: 10/596,731
International Filing Date: December 21, 2004
Title: DIPHENYLAZETIDINONE DERIVATIVES POSSESSING CHOLESTEROL ABSORPTION INHIBITORY ACTIVITY
Attorney Docket No.: 133087.10701(101340-1PUS)
Pub. No.: US 2008/0064676 A1
Pub. Date: March 13, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 9, 2008, for the above-identified application.

The request is DISMISSED.

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." (emphasis added) 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 paper is submitted on July 9, 2008 is unsigned. See 37 CFR 1.4 and 37 CFR 1.33.

The request of July 9, 2009 was not timely filed. The time allotted by 37 CFR 1.221(b) expired on May 13, 2009, two months from the March 13, 2009 date of the patent application publication. Since the request was made outside the time period set forth in 37 CFR 1.221(b), relief is not available under that section to requester.

For future reference, applicant's attention is directed to MPEP 1121, which states in part: "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and

[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).

inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)." Applicant's attention is further directed to MPEP 1130(B), which states in part: "[a]pplicants should not file requests for corrected publication that include no material error made by the Office. . . . A failure to include an amendment is not an Office error."

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

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

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Goyvaerts et al.	:	
Application No. 10/596,732	:	ON APPLICATION FOR
Filed: June 22, 2006	:	PATENT TERM ADJUSTMENT
Docket No. TIP-0056USPCT	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) WITHIN THREE MONTHS OF RECEIPT OF THE NOTICE OF ALLOWANCE, filed April 27, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is seven hundred ninety-two (792) days, not six hundred thirty (630) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). This is true even where a request for continued examination (RCE) was filed. The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

3 0 SEP 2008

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of	:	
HOA, Van Suong, et al.	:	
Application No.: 10/596,750	:	
PCT No.: PCT/CA2004/002184	:	
Int. Filing Date: 22 December 2004	:	DECISION
Priority Date: 23 December 2003	:	
Attorney's Docket No.: 789-100	:	
For: METHOD AND SYSTEM FOR	:	
MAKING HIGH PERFORMANCE	:	
EPOXIES, AND HIGH PERFORMANCE	:	
EPOXIES OBTAINED THEREWITH	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 22 June 2006, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration executed by 3 of the 4 inventors.

On 29 March 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required as the declaration had only been executed by 3 of the 4 inventors.

On 15 May 2007, applicants submitted a declaration executed by all 4 of the inventors.

On 25 September 2007, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application had a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 15 May 2007.

DISCUSSION

The address of inventor Liu has been stricken and a new address written next to it, but the changes were not initialed. MPEP 605.04(a) (Stating "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."). A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

A proper response in the form of a new oath or declaration of the inventors 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).

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 25 September 2007 is **VACATED**.

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

4 AUG 2009

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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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of	:	
HOA, Van Suong, et al.	:	
Application No.: 10/596,750	:	
PCT No.: PCT/CA2004/002184	:	
Int. Filing Date: 22 December 2004	:	DECISION
Priority Date: 23 December 2003	:	
Attorney's Docket No.: 789-100	:	
For: METHOD AND SYSTEM FOR	:	
MAKING HIGH PERFORMANCE	:	
EPOXIES, AND HIGH PERFORMANCE	:	
EPOXIES OBTAINED THEREWITH	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 30 September 2008, the Office mailed Decision, indicating that the declaration contained non-initialed, non-dated alterations to the information for inventor Liu and that a new oath or declaration was required.

On 10 November 2008, applicants filed a declaration of the inventors.

DISCUSSION

Previously, applicants were informed that the declaration, as executed by inventor Liu was defective and that a new oath or declaration was required.

In response, applicants submitted a declaration composed on one page 1, one page 2 and two supplemental sheets 1 of 1. The two supplemental sheets list the same three inventors, but were executed separately. As such, it appears that at least two separate copies of the declaration were executed and that pages from the individual declarations were pieced together to create a single composite declaration. While it is acceptable for inventors to execute separate copies of the oath or declaration, the *complete* oath or declaration as executed by the inventor must be returned to the Office.

CONCLUSION

A proper response in the form of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) 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 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

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JAN 23 2009

OFFICE OF PETITIONS

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:	
Saeed R. Khan	:	
Application No. 10/596,751	:	DECISION ON PETITION
Filed: October 18, 2007	:	TO WITHDRAW
Attorney Docket No. 018890-000200US	:	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 3, 2008.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Kenneth E. Jenkins and all attorneys/agents of record have been revoked by the assignee of the patent application on January 6, 2009, 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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

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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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Naomi Okamoto, et al.	:	
Application No. 10/596,755	:	DECISION GRANTING PETITION
Filed: June 23, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9369-121US	:	
U01/209419C/KK		

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 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 regarding 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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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

MAILED

MAY 25 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Naomi Okamoto et al :
Application No. 10/596,755 :
Filed: June 23, 2006 :
Attorney Docket No. 9369-121US U01-209419C/KK

This is a decision on the petition, filed May 24, 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 May 5, 2010 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 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
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).

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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

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NOV 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Naomi Okamoto, et al.	:	
Application No.: 10/596,757	:	ON PETITION
Filed: June 23, 2006	:	
Atty Docket No.: 9369-120US U01-209418C/KK	:	

This is a decision on the petition, filed November 25, 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 October 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1796 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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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of :
Naomi Okamoto et al :
Application No. 10/596,757 :
Filed: June 23, 2006 :
Attorney Docket No. 9369-120US U01-209418C/KK

ON PETITION

This is a decision on the petition, filed May 24, 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 May 5, 2010 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 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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16 MAR 2007

Jason A. Bernstein
Powell Goldstein, LLP
One Atlantic Center
14th Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488

In re Application of	:	
GEROLD	:	
Application No.: 10/596,797	:	
PCT No.: PCT/EP04/10081	:	DECISION ON PAPERS
Int. Filing Date: 07 September 2004	:	
Priority Date: 24 December 2003	:	UNDER 37 CFR 1.42
Attorney Docket No.: 149549.00002	:	
For: RADIO-OPAQUE MARKER FOR	:	
MEDICAL IMPLANTS	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 23 June 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 07 September 2004, applicant filed international application PCT/EP04/10081 which claimed priority to an earlier application filed 24 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 July 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the full, U.S. basic national fee was set to expire on 24 June 2006.

On 23 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a First Preliminary amendment; substitute specification and executed declaration.

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 23 June 2005 was executed by Eva Heublein, Nora

Heublein and Christoph Heublein as legal representatives of the estate of deceased inventor, Bernd Heublein. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must at a minimum provide the citizenship of the deceased inventor, as well as, state the relationship of the signing individual to the non-signing inventor. While the declaration does state that Eva Heublein, Nora Heublein and Christoph Heublin are the legal representatives to the estate of the deceased inventor, the declaration and provides only the residence, citizenship, and post office address for the legal representatives. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3). Applicant should also review 37 CFR 1.497(c) as an application data sheet has not been filed in the present application.

CONCLUSION

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

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

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

Derek A. Putonen
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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Jason A. Bernstein
Powell Goldstein, LLP
One Atlantic Center
14th Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488

27 APR 2007

In re Application of	:	
GEROLD	:	
Application No.: 10/596,797	:	
PCT No.: PCT/EP04/10081	:	DECISION ON PAPERS
Int. Filing Date: 07 September 2004	:	
Priority Date: 24 December 2003	:	UNDER 37 CFR 1.42
Attorney Docket No.: 149549.00002	:	
For: RADIO-OPAQUE MARKER FOR	:	
MEDICAL IMPLANTS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 26 April 2007.

BACKGROUND

On 16 March 2007, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 26 April 2007, applicant filed the present renewed petition.

DISCUSSION

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

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

Applicant's originally filed declaration was held to be non-compliant as it did not provide the citizenship the deceased inventor. Applicant has presently provided an executed declaration which provide all of the required information for the inventors, deceased inventor and legal representatives and therefore it is appropriate to grant applicant's renewed petition at this time.

CONCLUSION

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

This application has an international application filing date of 07 September 2004 and will be given a date of **26 April 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

14 NOV 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SQUIRE, SANDERS & DEMPSEY L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043

In re Application of
ISENSER FARRE, Jose Maria *et al*
U.S. Application No.: 10/596,805
PCT No.: PCT/ES2003/000634
Int. Filing Date: 15 December 2003
Priority Date: 16 December 2002
Attorney Docket No.: 55702.00014
For: DEVICE WHICH IS USED TO ROUTE DATA FLOWS FROM VARIOUS MPEG (MOTION PICTURE EXPERT GROUP) TRANSFER DEVICES . . .

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

Applicants' petition to revive under 37 CFR 1.137(b) filed on 25 June 2006 is hereby **GRANTED** as follows:

The basic national fee, surcharge 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 15 December 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 June 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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P.O. Box 1450
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HAUGEN LAW FIRM
SUITE 1130 – TCF TOWER
121 SOUTH EIGHTH STREET
MINNEAPOLIS MN 55402

COPY MAILED
JAN 22 2010

Applicant: Reginald Charles Allsopp
Appl. No.: 10/596,824
International Filing Date: February 3, 2006
Title: WINDOW BLIND SYSTEM
Attorney Docket: 2006-2938.ORI
Pub. No.: US 2009/0205787 A1
Pub. Date: August 20, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 10, 2009 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 title of the invention "WINDOW BLIND SYSTEM" was misprinted as "IMAGE ANALYSIS SYSTEM".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the title of the invention was misprinted may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error 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 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 is noted that the National Stage Entry request and preliminary amendment state that the title is "Image Analysis System".

On May 14, 2009, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and 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".

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

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

Mail Date: 05/25/2010

Applicant	: Genji Imai	: DECISION ON REQUEST FOR
Patent Number	: 7649027	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/596,826	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **793** 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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of
MATSUMOTO, Hajime et al.
Application No. 10/596,831
Filed: June 26, 2006
Attorney Docket No. **2008_0999**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 16, 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 has been revoked by the assignee of the patent application on July 11, 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **WARREN M. CHEEK, JR.**
WENDEROTH, LIND & PONACK, L.L.P.
SUITE 800
2033 K STREET, N.W.
WASHINGTON DC 20006

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

17 SEP 2007

In re Application of:	:	
Capecchi et al.	:	
Application No.: 10/596,836	:	
Int. App. No.: PCT/US04/41194	:	
Int. Filing Date: 10 December 2004	:	DECISION
Priority Date: 30 December 2003	:	
Attorney Docket No.: 59029US004	:	
For: Medicinal Compositions And Method	:	
For The Preparation Thereof	:	

This is in response to the "Communication" filed on 08 May 2007.

BACKGROUND

International application PCT/US04/41194 was filed on 10 December 2004, claimed a priority date of 30 December 2003, and designated the United States. The 30 month period for payment of the basic national fee in the U.S. ended as of midnight on 30 June 2006. On 27 June 2006, applicant filed *inter alia* the basic national fee.

On 15 March 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) because "There a third inventor on decl Peter M. Seiler but he not on the IA."

DISCUSSION

Counsel refers to a Notification Of The Recording Of a Change (Form PCT/IB/306) mailed on 09 August 2005 and reflecting the addition of "SEILER, Peter, M." as an inventor. In view of the fact that Peter M. Seiler was added as an inventor of the international application during the international phase, the declaration document filed on 27 June 2006 is compliant with 37 CFR 1.497(a) and (b). As such, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 March 2007 is hereby **VACATED**.

DECISION

The declaration filed on 27 June 2006 is **ACCEPTED**, as described above.

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 **27 June 2006**.

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

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

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In re Application of	:	
BHATIA, Medhavi et al.	:	
Application No. 10/596,904	:	DECISION ON PETITION
Filed: March 23, 2007	:	TO WITHDRAW
Attorney Docket No. **NEXE-012/05US 306342-2021**	:	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 12, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Daniel Bennett on behalf of all attorneys of record who are associated with customer No. 22903. All attorneys/agents associated with the Customer Number 22903 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 Medhavi Bhatia 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: **MEDHAVI BHATIA**
18912 FALLING STAR ROAD
GERMANTOWN MD 20874

0 2 APR 2007

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David E. Spaw
RANKIN, HILL, PORTER & CLARK LLP
4080 Erie Street
Willoughby, OH 44094-7836

In re Application of	:	DECISION ON
KUMABE, Takashi et al.	:	
Application No. 10/596,906	:	
PCT No.: PCT/JP2004/019560	:	
Int. Filing Date: 27 December 2004	:	PETITION UNDER
Priority Date: 26 December 2003	:	
Attorney's Docket No.: NIS-16741	:	
For: AUTOMATIC VENDING MACHINE	:	
	:	37 CFR §1.137(b)

This petition 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 28 June 2006. The large entity fee for the Petition in the amount of $1500 has been submitted.

BACKGROUND

On 27 December 2004, the above-named international application was filed with claimed foreign priority to 26 December 2003. Under 37 CFR §1.495(b), Applicant must submit the items identified in 37 CFR §1.495(b) no later than 30 months from the date of priority upon entrance into the national stage of examination. In the instant application, the thirty-month date would be 26 June 2006.

On 28 June 2006, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) that included an "express request to begin national examination procedures" under 35 USC §371(f) and that had the parts required under 37 CFR §1.495(b) in order to enter the national phase, including the required fees. The 28 June 2006 Letter was accompanied by a "Petition For Revival Of

An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" with the large entity petition fee of $1500 as provided for in 37 CFR §1.17(m).

Since the basic national fee was received after the thirty-month period for entry into the national phase of examination had expired, the instant application went abandoned at midnight of 26 June 2006.

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (large entity) of $300, has submitted the petition fee (large entity) of $1500, and has stated 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. A terminal disclaimer is not required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

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

Bernarr E. Gregory
PCT Legal Administration
Tel.: (571) 272-6094
FAX: (571) 273-0459

Boris Milef
Legal Examiner
PCT Legal Administration

27 MAR 2007

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David E. Spaw
Rankin, Hill, Porter & Clark, LLP
4080 Erie Street
Willoughby, OH 44094

In re Application of	:	
KUMABE, et al.	:	
Application No.: 10/596,907	:	
PCT No.: PCT/JP04/19561	:	DECISION ON PETITION
Int. Filing Date: 27 December 2004	:	
Priority Date: 26 December 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: NIS-16742	:	
For: AUTOMATIC VENDING MACHINE	:	

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

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

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 27 December 2004 under 35 U.S.C. 363 and will be given a date of **28 June 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.

03/27/2007 SBASHEIR 00000001 180160 10596907
01 FC:1617 130.00 DA

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22 JAN 2007

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In re Application of	:	
KUMABE et al.	:	
Application No.: 10/596,909	:	DECISION ON
PCT No.: PCT/JP2004/019562	:	
Int. Filing Date: 27 December 2004	:	PETITION UNDER
Priority Date: 26 December 2003	:	
Attorney Docket No.: NIS-16743	:	37 CFR 1.137(b)
For: METHOD OF DETERMINING COMPLETION	:	
OF COIN INSERTION AND COIN RECOVERING	:	
DEVICE FOR AUTOMATIC VENDING MACHINES	:	

This decision is in response to applicants' submission filed 28 June 2006.

BACKGROUND

On 27 December 2004, applicant filed international application PCT/JP2004/019562 which designated the U.S. and claimed a priority date of 26 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 2006.

On 28 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of the inventors, an English language translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 28 June 2006.

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

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors filed 28 June 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 180160.

English Translation

The processing fee under 37 CFR 1.492(i) for providing the English translation after the date of the commencement of the national stage has also been charged to Deposit Account 180160.

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
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01/22/2007 SBASHEIR 00000002 180160 10596909
01 FC:1617 130.00 DA
02 FC:1618 130.00 DA

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Potomac Patent Group PLLC
P.O. Box 270
Fredericksburg, VA 22404

Mail Date: 04/20/2010

Applicant	: Gianni Ceccherini	: DECISION ON REQUEST FOR
Patent Number	: 7621130	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,926	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **521** 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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2 8 JUL 2009

FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

In re Application of BASOL et al	:	
U.S. Application No.: 10/596,938	:	
PCT Application No.: PCT/IL2004/001191	:	
Int. Filing Date: 30 December 2004	:	
Priority Date Claimed: 02 January 2004	:	
Attorney Docket No.: 7044-X06-007	:	DECISION
For: A SYSTEM AND A METHOD FOR	:	
AUTHORIZING PROCESSES	:	
OPERATIONS ON INTERNET AND	:	
INTRANET SERVERS	:	

This is in response to applicant's request for refund filed 05 June 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 December 2004, applicant filed international application PCT/IL2004/001191, which claimed priority of an earlier United States application filed 02 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 02 July 2006.

On 29 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was assigned U.S. application number 10/596,938. On the same day, applicant filed a second set of national stage papers via EFS-Web. The second submission was assigned U.S. application number 10/596,940.

On 29 May 2009, the DO/EO/US mailed a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 05 June 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

In order to be eligible for a refund due to an unintended, duplicate filing via EFS-Web:

> (1) The request for refund must be filed within three months of the first application receiving an acknowledgement by the Office (acknowledgement receipt, filing receipt, etc.);
> (2) Petitioner must certify that any later-filed applications were submitted prior to receiving confirmation of receipt of the first-filed application; and
> (3) The request for refund must include a statement by a registered practitioner or a person having first-hand knowledge that any duplicate application was intended to be the original application.

With regard to item (1), the present request for refund was not filed within three months of the acknowledgement receipt dated 29 June 2006.

With regard to item (2), the required certification has not been provided.

With regard to item (3), the required statement has not been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

Because the submission of two sets of national stage papers for a single international application was improper, the Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 May 2009 is hereby VACATED.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

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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SUITE 115
MIAMI, FL 33180

In re Application of BASOL et al	:	
U.S. Application No.: 10/596,938	:	
PCT Application No.: PCT/IL2004/001191	:	
Int. Filing Date: 30 December 2004	:	
Priority Date Claimed: 02 January 2004	:	
Attorney Docket No.: 7044-X06-007	:	DECISION
For: A SYSTEM AND A METHOD FOR AUTHORIZING PROCESSES OPERATIONS ON INTERNET AND INTRANET SERVERS	:	

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 26 August 2009.

BACKGROUND

On 30 December 2004, applicant filed international application PCT/IL2004/001191, which claimed priority of an earlier United States application filed 02 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 02 July 2006.

On 29 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was assigned U.S. application number 10/596,938. On the same day, applicant filed a second set of national stage papers via EFS-Web. The second submission was assigned U.S. application number 10/596,940.

On 29 May 2009, the DO/EO/US mailed a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 05 June 2009, applicant filed a petition under 37 CFR 1.181.

On 28 July 2009, this Office mailed a decision dismissing the 05 June 2009 petition.

DISCUSSION

As stated in the decision mailed 28 July 2009, the submission of two sets of national stage papers for a single international application was improper. Current Office policy in this circumstance is to vacate the serialization of one of the submissions. The serialization of application number 10/596,938 will be vacated and the submitted fees will be refunded to Deposit Account No. 50-0601.

CONCLUSION

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

The serialization of U.S. Application Number 10/596,938 is hereby VACATED.

The application is being forwarded to the United States Designated/Elected Office for 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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Duane Morris, LLP
IP Department
30 South 17th Street
Philadelphia, PA 19103-4196

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OFFICE OF PETITIONS

In re Application of	:	
Richard Burch et al.	:	
Application No. 10/596,960	:	DECISION ON PETITION
Filed: July 16, 2007	:	
Attorney Docket No. D5116-00052	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 28, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 28, 2008. Accordingly, the date of abandonment of this application is April 29, 2008. A Notice of Abandonment was mailed on May 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

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Oppedahl Patent Law Firm LLC
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Mail Date: 04/20/2010

Applicant	: Leona Gabrizova	: DECISION ON REQUEST FOR
Patent Number	: 7622459	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/596,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **392** 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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SUITE 2100
MONTREAL QC H3B-4W5 CA CANADA

MAILED
JUL 07 2010
OFFICE OF PETITIONS

In re Application of	:	
Bud T. J. Johnson	:	
Application No. 10/596,976	:	DECISION GRANTING PETITION
Filed: June 30, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1063958	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 5, 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 22, 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 regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3745 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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 2 APR 2009

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SUITE 142
TOLUCA LAKE CA 91602

In re Application of	:	
SANTIBANEZ VIANI	:	DECISION ON
Serial No.: 10/596,983	:	
PCT No.: PCT/EP04/14685	:	PETITION
Int. Filing Date: 23 December 2004	:	
Priority Date: 05 January 2004	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: MA-101	:	
For: SYSTEM FOR MEASURING ULTRA-	:	
VIOLET SOLAR RADIATION WITH MEANS....	:	
	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 29 January 2009 to accept the application without the signature of inventor ERNESTO VICENTE GRAMSCH LABRA. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 29 January 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor GRAMSCH LABRA along with a declaration executed by the co-inventor.

DISCUSSION

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

Petitioner satisfied Item (1) with the payment of the petition fee. Item (2) is satisfied by the statement of first-hand knowledge of co-inventor SANTIBANEZ, that in a telephone conversation with inventor GRAMSCH LABRA on 26 October 2006, he refused to sign the application papers. The non-signing inventor's last known address was provided in the co-inventor's statement satisfying Item (3). Item 4 is satisfied with the declaration, signed by the joint inventor on his behalf and the nonsigning joint inventor. The declaration, submitted on 29 January 2009, as executed by the joint inventor, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

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

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 29 January 2009. The application has an international filing date of 23 December 2004 under 35 U.S.C. 363, and a date of 29 January 2009 under 35 U.S.C. 371(c).

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

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 APR 2009

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Alexandria, VA 22313-1450
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ERNESTO VICENTE GRAMSCH LABRA
ALVARO CASANOVA 329A
CASA 3, LA REINA
SANTIAGO, CHILE

In re Application of SANTIBANEZ VIANI Serial No.: 10/596,983 PCT No.: PCT/EP04/14685 Int. Filing Date: 23 December 2004 Priority Date: 05 January 2003 Atty Docket No.: MA-101 For: SYSTEM FOR MEASURING ULTRA-VIOLET SOLAR RADIATION WITH MEANS....	DECISION ON PETITION UNDER 37 CFR 1.47(a)

Dear Mr. Gramsch Labra:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

ET SEQ LIMITADA
10061 RIVERSIDE DRIVE
SUITE 142
TOLUCA LAKE CA 91602

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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MAY 05 2008

OFFICE OF PETITIONS

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In re Application of

MA, Qingjiang et al.
Application No. 10/596,987
Filed: July 03, 2006
Attorney Docket No. **57923.00004.UTL**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 27, 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 Trevor Coddington on behalf of all attorneys of record who are associated with customer No. 36183. All attorneys/agents associated with the Customer Number 36183 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 interest at the first copied address below until otherwise properly notified by the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **QINGJIANG MA**
ROOM 202, NO. 7
LANE 445 FANGHUA ROAD
SHANGHAI 201204
P.R. CHINA

cc: **APEXONE MICROELECTRONICS CO. LTD.**
BUILDING 14, NO. 116
LANE 572 BIBO ROAD
ZHANGJIANG HI-TECH PARK
SHANGHAI 201203
CHINA

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QINGJIANG MA
ROOM 202, NO. 7
LANE 445 FANGHUA ROAD
SHANGHAI 20120-4 CN CHINA

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Qingjiang MA, et *al.*	:	
Application No. 10/596,987	:	DECISION ON PETITION
Filed: July 3, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 14, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2009.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to

receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received April 30, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **QINGYU YIN**
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
901 NEW YORK AVENUE NW
WASHINGTON, DC 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed : October 30, 2009
Serial No. : 10/596988
Patent No. : 7,568,248 B2
Patent Issued : August 4, 2009
Inventor(s) : Shinichiro Nakayama
Title: : PILLOW

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

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

In view of the foregoing your request is hereby denied.

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

In view

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

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

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

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

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

Magdalene Talley
For Mary Francis Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(703)571-0423
Fax (571) -270-9942

Paul A. Guss
1211 South Eads Street, #1502
Arlington, VA 22202

CBN/mt

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P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 SOUTH EADS STREET
NO. 1502
ARLINGTON, VA 22202

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OFFICE OF PETITIONS

In re Patent No. 7,568,248	:	
Issue Date: August 4, 2009	:	
Application No. 10/596,988	:	ON PETITION
Filed: July 3, 2006	:	
Attorney Docket No. CS-12-060703	:	

This is a decision on the petition filed November 5, 2009, under 37 CFR 3.81(b)[1] to add the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

Electronic Acknowledgement Receipt

EFS ID:	6403837
Application Number:	10596988
International Application Number:	
Confirmation Number:	4090
Title of Invention:	12/24/2009 CKHLOK 00000003 7568248 01 FC:1464 130.00 OP 02 FC:1811 100.00 OP PILLOW
First Named Inventor/Applicant Name:	Shinichiro Nakayama
Customer Number:	22712
Filer:	Paul Anthony Guss
Filer Authorized By:	
Attorney Docket Number:	CS-12-060703
Receipt Date:	05-NOV-2009
Filing Date:	03-JUL-2006
Time Stamp:	23:38:19
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Electronic Funds Transfer Adjustment date: 12/24/2009 CKHLOK 10/06/2009 INTEFSW 00005516 10596988 01 FC:1464 -130.00 OP
Payment was successfully received in RAM	$130
RAM confirmation Number	5516
Deposit Account	Adjustment date: 12/24/2009 CKHLOK 10/21/2009 INTEFSW 00006586 10596988 01 FC:1811 -100.00 OP
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Petition for review by the Office of Petitions.	Nakayama_CertCorrection.pdf	234005 1036e2af63c55495d6eacb062afdd67c1b23d59b	no	6
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30147 4e086a7fef2224c718ebe157b5af4eb977b58964	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	264152	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of	:	
Stephen Gillies et al.	:	
Application No. 10/596,997	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO WITHDRAW
Attorney Docket No. ANTBH/P31763US	:	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 29, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Patent No. 7,678,813	:	DECISION ON REQUEST FOR
Clark et al.	:	RECONSIDERATION OF
Issue Date: March 16, 2010	:	PATENT TERM ADJUSTMENT
Application No. 10/596,998	:	AND
Filed: March 8, 2007	:	NOTICE OF INTENT TO ISSUE
Docket No. 019904-003010US	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 12, 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 at least three hundred fifty-eight (358) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **four hundred twenty (420) days**.

The Office agrees with patentee that the provisions of 35 U.S.C. 154(b) related to adjustment of patent term apply as this is an international application filed after May 29, 2000. Accordingly, the Office concurs that patentees are entitled to period of adjustment of 196 days, pursuant to 37 CFR 1.702(a)(1), for the mailing of the Restriction Requirement on November 20, 2008, 14 months and 196 days, after the fulfillment of the requirements of 35 U.S.C. 371 on March 8, 2007. A period

of adjustment for Office delay of 196 days will be entered. Accordingly, A delay is 196 days.

The Office also agree that patentee should have been assessed a delay of 25 days, pursuant to 37 CFR 1.704(b), for the filing of a reply on July 8, 2009, three months and 25 days after the mailing of the non-final Office action. A period of reduction of 25 days will be entered. Accordingly, applicant delay is 25 days.

Lastly, the Office concurs that patentee is entitled to a period of adjustment pursuant to 37 CFR 1.702(b). However, the calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of July 10, 2006, not July 9, 2006. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Sunday, the period expired on the subsequent business day. See PCT Rule 80.5. Thus, the commencement date is Monday, July 10, 2006. The period of adjustment under 37 CFR 1.702(b) is 249 days, beginning on July 11, 2009, the day after the date that is three years after the date on which the national stage commenced under 35 U.S.C. 371(b) and ending on March 16, 2010, the date the patent issued. Accordingly, B delay is 249 days.

The patent term adjustment is 420 days (196 days of A delay + 249 days of B delay - 25 days of applicant delay).

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, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges the submission of the required fee of $200.00 set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred twenty (420) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,678,813 B2

DATED : Mar. 16, 2010 **DRAFT**

INVENTOR(S) : Clark et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days

Delete the phrase "by 0 days" and insert – by 420 days--

Day : Friday
Date: 5/14/2010

PALM INTRANET

Time: 11:03:46

PTE Calculations for Application: 10/596998			
Application Filing Date:	03/08/2007	PTO Delay (PTO):	0
Issue Date of Patent:	03/16/2010	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	420
PTO Delay Adjustment:	420		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	249		
68	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		25	
67	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	196		
48	10/19/2009	MAIL NOTICE OF ALLOWANCE			
47	10/16/2009	ISSUE REVISION COMPLETED			
46	10/16/2009	DOCUMENT VERIFICATION			
45	10/16/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	10/06/2009	EXAMINER'S AMENDMENT COMMUNICATION			
43	10/06/2009	NOTICE OF ALLOWABILITY			
42	10/05/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
38	07/30/2009	DATE FORWARDED TO EXAMINER			
37	07/08/2009	RESPONSE AFTER NON-FINAL ACTION			
36	07/08/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	03/13/2009	MAIL NON-FINAL REJECTION			
34	03/12/2009	NON-FINAL REJECTION			
32	03/08/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	01/12/2009	DATE FORWARDED TO EXAMINER			
27	12/15/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
26	11/20/2008	MAIL RESTRICTION REQUIREMENT			
25	11/20/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	05/02/2008	PRELIMINARY AMENDMENT			
19	10/17/2007	FILING RECEIPT - CORRECTED			
18	08/30/2007	PG-PUB ISSUE NOTIFICATION			

17	07/21/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	06/26/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	03/08/2007	REFERENCE CAPTURE ON IDS			
14	03/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	06/19/2007	APPLICATION DISPATCHED FROM OIPE			
9	03/08/2007	371 COMPLETION DATE			
8	05/24/2007	SENT TO CLASSIFICATION CONTRACTOR			
7	05/24/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
6	03/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
4	03/08/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

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2 9 SEP 2008

Guy Yonay
Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, NY 10036

In re Application of SEVER, et al Application No.: 10/597,003 PCT No.: PCT/IL2004/001073 Int. Filing Date: 22 November 2004 Priority Date: 03 December 2003 For: METHOD AND SYSTEM FOR IMPROVING COMPUTER NETWORK SECURITY	:	PETITION UNDER 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. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 06 July 2006.

BACKGROUND

Applicants filed the present application on 06 July 2006, inter alia, the specification, the abstract, the claims and the drawings. The present application became abandoned at midnight on 03 June 2006 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 06 July 2006, applicants filed the present petition under 37 CFR 137(b) to revive the application. The national stage fee of $150 accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived 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), applicants have provided the required reply.

Regarding item (2), the $750 petition fee has been charged to the credit card as authorized by applicants.

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 reasons detailed above, applicants' petition under 37 CFR 1.137(b) 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 U.S.C 371 (c) (1), (c)(2) and (c)(4) date is 06 July 2006.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

2 5 AUG 2008

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24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of	:	
LU *et al*	:	
U.S. Application No.: 10/597,004	:	
PCT No.: PCT/IB2005/050047	:	
Int. Filing Date: 05 January 2005	:	**DECISION**
Priority Date: 13 January 2004	:	
Attorney Docket No.: US040034US2	:	
For: X-RAY TUBE COOLING COLLAR	:	

This application is before the PCT Legal Staff for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 06 July 2008, applicants filed via the USPTO EFS-Web system an application for entry into the national stage in the United States under 35 U.S.C. 371 of PCT/IB2005/050047 which was accompanied by, *inter alia*, the basic national fee and an executed declaration.

On 01 August 2008, the Office mailed a Notice of Incomplete Nonprovisional Application indicating that the application was filed under 37 CFR 1.53(b) and a filing date has not been accorded the subject application as the specification was missing.

DISCUSSION

A review of the papers filed 06 July 2008 show that applicants clearly submitted papers to enter the national stage of PCT/IB2005/050047. The Electronic Acknowledgement of the application from the USPTO indicates that the application type is a "U.S. National Stage Under 35 USC 371."

Nonetheless, the Office processed the above-captioned application as a filing under 35 U.S.C. 111(a) and mailed the Notice of Incomplete Nonprovisional Application. This was clearly a mistake.

DECISION

The subject application will be processed as the national stage of

10/597,004

PCT/IB2005/050047 under 35 U.S.C. 371. As such, a copy of the international application was transmitted to the USPTO by the International Bureau.

For this reason, the Notice of Incomplete Nonprovisional Application mailed 01 August 2008 is **VACATED**.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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19 APR 2007

CERMAK & KENEALY LLP
515 E. BRADDOCK RD
SUITE B
ALEXANDRIA VA 22314

In re Application of	:	
SCHNELL, Alexander et al.	:	
Application No.: 10/597,010	:	DECISION
PCT No.: PCT/EP2004/052155	:	
Int. Filing Date: 13 September 2004	:	ON PETITION UNDER
Priority Date: 24 September 2003	:	
Docket No.: 003-239	:	37 CFR 1.137(b)
For: BRAZE ALLOY AND THE USE OF SAID BRAZE ALLOY	:	

Applicants' Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 06 July 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 and the processing fee for furnishing the translation after 30 months will be charged to deposit account no. 50-2821, as authorized.

This application is being referred 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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DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY AB T2M 0S7 CA CANADA

MAILED

APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Burgler, Robert	:	
Application No. 10/597,013	:	ON PETITION
Filed: July 6, 2006	:	
Attorney Docket No. AP103-06	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

COPY MAILED

JUL 07 2008

In re Application of	:	
Denise M. Chan	:	
Application No. 10/597,021	:	DECISION ON PETITION
Filed: July 6, 2006	:	TO WITHDRAW
Attorney Docket No. CHAN-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 14, 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 Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24353.

All attorneys/agents associated with the Customer Number 24353 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: DENISE M. CHAN
121 FREDERICK COURT
MOUNTAIN VIEW, CA 94043

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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
10/597,021	05/07/2007	Denise M. Chan	CHAN-001

CONFIRMATION NO. 4857

POWER OF ATTORNEY NOTICE

OC000000030676517

24353
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

Date Mailed: 06/26/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/14/2007.

- 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.

/amwise/

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

28 FEB 2007

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

In re Application of CHEN et al. Application No.: 10/597,022 PCT No.: PCT/US04/40211 Int. Filing Date: 01 December 2004 Priority Date: 02 December 2003 Attorney Docket No.: 22727/04418 For: ZN2+-CHELATING MOTIF-TETHERED SHORT-CHAIN FATTY ACIDS AS A NOVEL CLASS OF HISTONE DEACETYLASE INHIBITORS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 July 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.
10/597,043	07/10/2006	John W. Bogdan		5226

7590 02/12/2008

John W. Bogdan
1210 Major St.
Ottawa, ON K2C 2S2
CANADA

EXAMINER
ELBIN, JESSE A

ART UNIT	PAPER NUMBER
4154	

MAIL DATE	DELIVERY MODE
02/12/2008	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.

Tammy J. Kamlin

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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2 3 OCT 2007

DARBY & DARBY, P.C.
P.O. Box 770
Church Street Station
New York, NY 1008-0770

In re Application of: SOMMER, Manfred U.S. Application No.: 10/597,044 PCT Application No.: PCT/DE2004/002788 International Filing Date: 21 December 2004 Priority Date: 09 January 2004 Attorney's Docket No.: 01954/0205047-US0 For: ROTARY PUMP PROVIDED WITH AN AXIALLY MOVABLE BLADE	DECISION ON PETITION (37 CFR 1.181)

This decision is issued in response to applicant's "Request For A Corrected Notice Of Acceptance Of Application" filed 26 July 2007, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 21 December 2004, applicant filed international application PCT/DE2004/002788. The international application claimed a priority date of 09 January 2004, and it designated the United States. On 21 July 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., 10 July 2006 (09 July 2006 was a Sunday).

On 10 July 2006, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), payment of the basic national fee, and a translation of the international application into English.

On 27 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) identifying 10 July 2006 as the date of receipt of the requirements under 35 U.S.C 371(c)(1), (c)(2), and (c)(4). On the same date, the USPTO issued a filing receipt identifying the 35 U.S.C. 371(c) date as 10 July 2006.

On 26 July 2007, applicant filed the "Request For A Corrected Notice Of Acceptance Of Application" considered herein, accompanied by an executed declaration and additional materials and fees.

DISCUSSION

In the present petition, applicant asserts that the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 27 March 2007 was issued in error in that applicant had not yet submitted an executed declaration in compliance with 37 CFR 1.497, as required to satisfy 35 U.S.C. 371(c)(4). However, the international application as filed included an executed declaration filed under PCT Rule 4.17(iv). As set forth in 37 CFR 1.497(a), where a declaration in compliance with 37 CFR 1.497 has been timely submitted in the international application under PCT Rule 4.17(iv), a new declaration under 37 CFR 1.497 is not required.

In the present application, the declaration filed in the international application under PCT Rule 4.17(iv) satisfied the declaration requirement of 35 U.S.C. 371(c)(4), and applicant's 10 July 2006 submission included the fee payment and English translation required under 35 U.S.C. 371(c)(1) and (c)(2). Accordingly, the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied herein as of 10 July 2006. The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 27 March 2007, which properly identified the 35 U.S.C. 371(c) date as 10 July 2006, was therefore correctly issued, and a corrected Notification Of Acceptance is not required.

CONCLUSION

Based on the above, applicants' petition under 37 CFR 1.181 requesting correction of the date under 35 U.S.C. 371(c) and the issuance of a corrected Notification Of Acceptance based thereon, is **DISMISSED** without prejudice.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) remains 10 July 2006, as indicated in the Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 27 March 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
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DEPT. 18G
BLDG. 321-482
2070 ROUTE 52
HOPEWELL JUNCTION NY 12533

MAILED
MAY 20 2009
OFFICE OF PETITIONS

In re Application of	:
Chen et al.	: DECISION ON APPLICATION
Application No. 10/597,066	: FOR
Filed: July 10, 2006	: PATENT TERM ADJUSTMENT
Atty. Dkt. No. FIS920030342US1	:

This is a decision on the "REQUEST FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT," filed on November 11, 2008. Applicants request that the initial determination of patent term adjustment be corrected from zero (0) days to two hundred seventy-six (276) days.

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

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is TWO HUNDRED SEVENTY-SIX (276) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On September 16, 2008, the Office mailed a Determination of Patent Term Extension under 35 U.S.C. 154(b) (application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. Applicant was advised that the patent term extension to date was 0 days. The instant application for patent term adjustment was timely filed[1] on or before payment of the issue fee.

Applicants state that the subject application is entitled to patent term adjustment because it is a national stage of international application No. PCT/US04/01555, which was filed on January 16, 2004, which is after May 29, 2000.

[1] PALM records indicate that the issue fee was paid on December 16, 2008.

Upon review, applicants are correct. This application is a national stage entry of PCT Application No. PCT/US04/01555, which was filed on January 16, 2004. Since the international filing date of this application, January 16, 2004, is after May 29, 2000, the instant application is eligible for patent term adjustment.

Applicants assert entitlement to patent term adjustment for the mailing of a non-final office action on June 12, 2008, fourteen months and 276 days after the fulfillment of the requirements of 371.

37 CFR 1.703(a)(1) states that the period of adjustment under § 1.702(a) is the sum of the following periods: (1) 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.

Pursuant to 37 CFR 1.703(a)(1), applicants are correct. On March 14, 2007, a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 was mailed, stating the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements was July 10, 2006. On June 12, 2008, fourteen months and 276 days after the date of fulfilment of the requirements under 35 U.S.C. 371, the non-final Office action was mailed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is TWO HUNDRED SEVENTY-SIX (276) days (276 days of PTO delay, reduced by zero (0) days of Applicant delay).

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

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding 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 regarding this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl: Copy of Updated PALM Screen

Day : Monday
Date: 5/18/2009

PALM INTRANET

Time: 17:53:13

PTE Calculations for Application: 10/597066			
Application Filing Date:	07/10/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	276
PTO Delay Adjustment:	276		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
41	05/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	276		
31	09/16/2008	MAIL NOTICE OF ALLOWANCE			
30	09/04/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
29	09/04/2008	CASE DOCKETED TO EXAMINER IN GAU			
28	09/04/2008	ISSUE REVISION COMPLETED			
27	09/04/2008	EXAMINER'S AMENDMENT COMMUNICATION			
26	09/02/2008	DOCUMENT VERIFICATION			
25	09/02/2008	NOTICE OF ALLOWABILITY			
21	08/16/2008	DATE FORWARDED TO EXAMINER			
20	07/22/2008	RESPONSE AFTER NON-FINAL ACTION			
19	06/12/2008	MAIL NON-FINAL REJECTION			
18	06/09/2008	NON-FINAL REJECTION			
15	07/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
11	07/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
10	06/30/2007	TRANSFER INQUIRY TO GAU			
9	06/07/2007	PG-PUB ISSUE NOTIFICATION			
8	04/13/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7.7	07/10/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
7	07/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	04/02/2007	APPLICATION DISPATCHED FROM OIPE			
5	07/16/2006	371 COMPLETION DATE			
4	03/13/2007	SENT TO CLASSIFICATION CONTRACTOR			

3	03/14/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	07/10/2006	CLEARED BY OIPE CSR			
1	07/10/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND OH 44143

12/19/08

In re Application of:
RUSSELL, JAMES KNOX et al.
Serial No. 10/597,079
Filed: Jul. 11, 2006
Docket: PHUS040020US2
Title: ADAPTIVE PHYSIOLOGICAL MONITORING SYSTEM AND METHODS OF USING THE SAME

DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petitions filed Dec. 18, 2008 under 37 CFR 1.181 requesting supervisory review of the advisory action mailed Nov. 5, 2008. In the petition, petitioner requests entry of the amendment after final filed on Oct. 17, 2008 under 37 CFR 1.116. The petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

The examiner was requested to enter the amendment after final filed on Oct. 17, 2008 for appeal purposes because the amendment neither raised new issues nor added new claims. Additionally, some claims were canceled to reduce the issues of appeal. A review of the final rejection shows that claims 1-4, 6, 8-12, 15, 17, 24-30 and 34 were rejected under 35 USC 102(b) as anticipated by Nolan et al. (US Pat. 5,404,877) and Claims 5, 7, 13 and 15 were rejected under 35 USC 103 as unpatentable over Nolan et al, et al. (US Pat. 5,404,877) in view of Toda (U.S. Pat. Publication 20020036446). In the present amendment under 37 CFR 1.116, the applicant merely re-writes claims 9, 25, and 27 in independent form without any changes of scope and cancels claims 1-8, 14, 16, 18-22, 24 and 26 without adding any new claims to reduce the appealable issues. Therefore, there is no reason not to enter the amendment after final for appeal purposes. Claims 9-12, 15, 17, 25, 27-30 and 34 remain rejected under 35 USC 102(b) as anticipated by Noland et al. (US Pat. 5,404,877) and claims 13 and 15 remain rejected Nolan et al, et al. (US Pat. 5,404,877) in view of Toda (U.S. Pat. Publication 20020036446).

In finding petitioner's points of argument persuasive, the requested relief is granted. The amendment after final filed on Oct. 17, 2008 will be entered for appeal purposes. The period to file an appeal brief remains unchanged.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

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0 2 APR 2007

POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER
FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

In re Application of	:	
HARDER et al.	:	DECISION ON
Application No.: 10/597,099	:	
PCT No.: PCT/EP2005/001167	:	PAPERS
Int. Filing Date: 04 February 2005	:	
Priority Date: 06 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 149459.00003	:	
For: IMPLANT FOR RELEASING AN ACTIVE	:	
SUBSTANCE INTO A VESSEL THROUGH WHICH	:	
A BODY MEDIUM FLOWS	:	

This is a decision on the submission filed by applicants on 11 July 2006 and on 29 November 2006, each of which was accompanied by, *inter alia*, a declaration of the inventors. The indication in these declarations that inventor Bernd Heublen is deceased has properly been treated as a request for status under 37 CFR 1.42.

This is also a decision on the "PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 35 U.S.C. 116 and 37 CFR 1.48(a)" filed by applicants on 29 November 2006, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 04 February 2005, applicants filed international application PCT/EP2005/001167 which claimed a priority date of 06 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 18 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 11 July 2006, applicants filed for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a substitute specification, a marked-up copy of the substitute specification, and a declaration of inventors. The indication in this declaration that inventor Bernd Hueblen is deceased has been treated as a request for status under 37 CFR 1.42.

On 29 November 2006, applicants filed a "PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 35 U.S.C. 116 and 37 CFR 1.48(a)",

which has properly been treated as a petition under 37 CFR 1.497(d). The submission was also accompanied by a declaration of inventors. The indication in this declaration that inventor Bernd Hueblen is deceased has also been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration of inventors filed 11 July 2006 is not in compliance with 37 CFR 1.497(a)-(b). 37 CFR 1.41(a)(4) states:

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

The declaration filed 11 July 2006 does not list the inventorship set forth in the international application. The declaration only lists five of the six inventors listed in the international application. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that inventor Heinz Muller has been removed does not appear in the application file. Nor is there any other indication that a PCT Rule 92bis change has been made in the above-identified international application. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 31 May 2006 is not sufficient.

Petition Under 37 CFR 1.497(d)

The petition filed 29 November 2006 requests that Heinz Muller be added as an inventor. This petition has properly been treated as a petition under 37 CFR 1.497(d). However, the petition is moot since, as noted above, Heinz Muller is already identified as an inventor in the international application (see the second page of the published document).

Request Under 37 CFR 1.42

The declaration filed 29 November 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)).

Declaration filed 29 November 2006

The declaration filed 29 November 2006 is an improper composite declaration, consisting of one of Page 1, two of Page 2, one of Page 1 of 2, two of Page 2 of 2, and Supplemental Page. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents. (The declaration filed 11 July 2006 was also a composite declaration.)

Translation

Applicant has not provided a translation of the international application as filed. The submission of 11 July 2006 includes a substitute specification and a marked-up copy of the substitute specification but does not include an English translation of the application as originally filed.

CONCLUSION

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

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 proper declaration or declarations in compliance with 37 CFR 1.497 and 1.42, an English translation of the international application as filed, and the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, 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
5Facsimile: (571) 273-0459

1 0 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER
FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

In re Application of	:	
HARDER et al.	:	DECISION ON
Application No.: 10/597,099	:	
PCT No.: PCT/EP2005/001167	:	PAPERS
Int. Filing Date: 04 February 2005	:	
Priority Date: 06 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 149459.00003	:	
For: IMPLANT FOR RELEASING AN ACTIVE	:	
SUBSTANCE INTO A VESSEL THROUGH WHICH	:	
A BODY MEDIUM FLOWS	:	

This is a decision on the renewed petition under 37 CFR 1.42 filed by applicants on 26 April 2007.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/EP2005/001167 which claimed a priority date of 06 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 18 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 11 July 2006, applicants filed for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a substitute specification, a marked-up copy of the substitute specification, and a declaration of inventors. The indication in this declaration that inventor Bernd Hueblen is deceased was treated as a request for status under 37 CFR 1.42.

On 29 November 2006, applicants filed a "PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 35 U.S.C. 116 and 37 CFR 1.48(a)", which was properly treated as a petition under 37 CFR 1.497(d). The submission was also accompanied by a declaration of inventors. The indication in this declaration that inventor Bernd Hueblen is deceased was also treated as a request for status under 37 CFR 1.42.

On 02 April 2007, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because the declaration filed 29 November 2006 did not include the full name and citizenship of

the deceased inventor. The petition under 37 CFR 1.497(d) was dismissed as moot. The decision also indicated that the declaration filed 29 November 2006 was an improper composite declaration and that an English translation of the international application as filed had not yet been provided.

On 26 April 2007, the instant submission was filed which includes, *inter alia*, a declaration of inventors, an English translation of the international application as filed, and the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date.

DISCUSSION

MPEP § 602.01 states that "the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed." Here, the declaration of inventors filed 26 April 2007 was amended to include the residence, mailing address, and citizenship of deceased inventor Bernd Heublein. Accordingly, the declaration is improper.

CONCLUSION

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

A proper response must be filed within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the decision mailed 02 April 2007, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the decision mailed 02 April 2007 may be extended under 37 CFR 1.136(a).

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

Daniel Stemmer
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Legal Administration
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2 4 MAR 2008

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POWELL GOLDSTEIN LLP
ONE ATLANTIC CENTER
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1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

In re Application of	:	
HARDER et al.	:	DECISION ON
Application No.: 10/597,099	:	
PCT No.: PCT/EP2005/001167	:	PAPERS
Int. Filing Date: 04 February 2005	:	
Priority Date: 06 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 149459.00003	:	
For: IMPLANT FOR RELEASING AN ACTIVE	:	
SUBSTANCE INTO A VESSEL THROUGH WHICH	:	
A BODY MEDIUM FLOWS	:	

This is a decision on the renewed petition under 37 CFR 1.42 filed by applicants on 30 July 2007.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/EP2005/001167 which claimed a priority date of 06 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 18 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 11 July 2006, applicants filed for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a substitute specification, a marked-up copy of the substitute specification, and a declaration of inventors. The indication in this declaration that inventor Bernd Hueblein is deceased was treated as a request for status under 37 CFR 1.42.

On 29 November 2006, applicants filed a "PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 35 U.S.C. 116 and 37 CFR 1.48(a)", which was properly treated as a petition under 37 CFR 1.497(d). The submission was also accompanied by a declaration of inventors. The indication in this declaration that inventor Bernd Hueblein is deceased was also treated as a request for status under 37 CFR 1.42.

On 02 April 2007, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because the declaration filed 29 November 2006 did not include the full name and citizenship of the deceased inventor. The petition under 37 CFR 1.497(d) was dismissed as moot. The decision also indicated that the declaration filed 29 November 2006 was an improper composite declaration and that an English translation of the international application as filed had not yet been provided.

On 26 April 2007, applicants filed a submission was filed which included, *inter alia*, two declarations of inventors, an English translation of the international application as filed, and the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date.

On 10 May 2007, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because the declarations filed 26 April 2007 had been amended after signing.

On 30 July 2007, applicants filed the instant renewed petition under 37 CFR 1.42 which was accompanied by three declarations of inventors.

DISCUSSION

The declarations signed by Claus Harder, Rohde Roland, Erhard Flach, Wolfgang Geistert, Gernot Kolberg, and Heinz Muller filed 26 April 2007 still contain amendments made after the declarations were signed by them. These declarations were amended to include the residence, mailing address, and citizenship of deceased inventor Bernd Heublein. MPEP § 602.01 states that "the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed." Accordingly, the declarations are improper.

Although proper declarations signed by the legal representatives of deceased inventor Bernd Heublein have been provided, proper declarations from the other inventors are still required. Proper declarations could include the original unamended declarations signed by Claus Harder, Rohde Roland, Erhard Flach, Wolfgang Geistert, Gernot Kolberg, and Heinz Muller.

Reference is made in the renewed petition to a telephone conference with the undersigned. It does not appear that it was made clear in the telephone conference that proper declarations signed by the non-deceased inventors were still required. Any inconvenience is regretted.

CONCLUSION

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

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD

FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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/

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2 3 MAY 2008

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1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

In re Application of	:	
HARDER et al.	:	DECISION ON
Application No.: 10/597,099	:	
PCT No.: PCT/EP2005/001167	:	PAPERS
Int. Filing Date: 04 February 2005	:	
Priority Date: 06 February 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 149459.00003	:	
For: IMPLANT FOR RELEASING AN ACTIVE	:	
SUBSTANCE INTO A VESSEL THROUGH WHICH	:	
A BODY MEDIUM FLOWS	:	

This is a decision on the renewed petition under 37 CFR 1.42 filed by applicants on 09 April 2008.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/EP2005/001167 which claimed a priority date of 06 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 18 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 11 July 2006, applicants filed for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a substitute specification, a marked-up copy of the substitute specification, and a declaration of inventors. The indication in this declaration that inventor Bernd Hueblein is deceased was treated as a request for status under 37 CFR 1.42.

On 29 November 2006, applicants filed a "PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 35 U.S.C. 116 and 37 CFR 1.48(a)", which was properly treated as a petition under 37 CFR 1.497(d). The submission was also accompanied by a declaration of inventors. The indication in this declaration that inventor Bernd Hueblein is deceased was also treated as a request for status under 37 CFR 1.42.

On 02 April 2007, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because the declaration filed 29 November 2006 did not include the full name and citizenship of the deceased inventor. The petition under 37 CFR 1.497(d) was dismissed as moot. The decision also indicated that the declaration filed 29 November 2006 was an improper composite declaration and that an English translation of the international application as filed had not yet been provided.

On 26 April 2007, applicants filed a submission was filed which included, *inter alia*, two declarations of inventors, an English translation of the international application as filed, and the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date.

On 10 May 2007, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because the declarations filed 26 April 2007 had been amended after signing.

On 30 July 2007, applicants filed a renewed petition under 37 CFR 1.42 which was accompanied by three declarations of inventors.

On 24 March 2008, a decision was mailed refusing applicants' petition under 37 CFR 1.42 because although proper declarations signed by the legal representatives of deceased inventor Bernd Heublein had been provided, proper declarations from the other inventors were still required.

DISCUSSION

The submissions filed 30 July 2007 and 09 April 2008 have been reviewed and have been found in compliance with 37 CFR 1.42. Together, the declarations filed 30 July 2007 and 09 April 2008 are 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/

Daniel Stemmer
Legal Examiner

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JUL 16 2009

OFFICE OF PETITIONS

Hoffman Warnick LLC
75 State Street
14th Floor
Albany, NY 12207

In re Application of	:	
Dierk Schoen	:	
Application No. 10/597,110	:	DECISION ON PETITION
Filed: May 10, 2007	:	
Attorney Docket No. WEBE-0020	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed May 22, 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 August 23, 2008. A Notice of Abandonment was mailed on April 28, 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 after non-final, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 3729 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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24 APR 2007

Brooks Kushman PC
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

In re Application of	:	
KOUL, Anil et al.	:	
Application No.: 10/597,120	:	DECISION
PCT No.: PCT/EP2004/010161	:	
Int. Filing Date: 10 September 2004	:	ON PETITION UNDER
Priority Date: 10 September 2003	:	
Docket No.: GPC0104PUSA	:	37 CFR 1.137(b)
For: HETEROBICYCLIC COMPOUNDS AS PHARMACEUTICALLY ACTIVE AGENTS	:	

Applicants' Petition Under 37 C.F.R. 1.137(b) filed in the above-captioned application on 12 July 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 that does not comply with 37 CFR 1.497(a)-(b). The declaration appears to have been pieced together from many separately executed copies of the declaration. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy of the oath or declaration, as executed by the inventor, must be submitted. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be submitted. The fee for late furnishing of the search fee, examination fee or oath or declaration has been paid.

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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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

Mail Date: 04/20/2010

Applicant	: Kenichi Fujimoto	: DECISION ON REQUEST FOR
Patent Number	: 7604559	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,121	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **498** 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.:20091217

DATE : December 17, 2009

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7550278

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

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

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Takayuki Konishi	: DECISION ON REQUEST FOR
Patent Number	: 7586537	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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HARNESS DICKEY & PIERCE, P.L.C.
7700 BONHOMME, SUITE 400
ST. LOUIS, MO 63105

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Anders Thornell-Pers	:	
Application No. 10/597,192	:	DECISION DISMISSING PETITION
Filed: October 28, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9062K-000105/US/NP	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not get to the proper deciding official in time to process the petition prior to the patent issue. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $810 filing fee and the $130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

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

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

2 4 MAR 2009

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United States Patent and Trademark Office
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ALBIHNS STOCKHOLM AB
BOX 5581, LINNEGATAN 2
SE-114 85
STOCKHOLM
SWEDEN

In re Application of	:	
ROOS	:	DECISION ON
Application No.: 10/597,209	:	
PCT No.: PCT/IB2005/050164	:	PAPERS
Int. Filing Date: 14 January 2005	:	
Priority Date: 19 January 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 070265-082154	:	
For: DRIVE AND POSITIONING METHOD AND	:	
SYSTEM FOR AUTOMATED SWITCH MATRIX	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 09 January 2009, which was accompanied by a declaration of the inventor. The indication in this declaration that inventor Sture Roos is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 14 January 2005, applicant filed international application PCT/IB2005/050164, which designated the United States and claimed a priority date of 19 January 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 July 2006.

On 17 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 14 October 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 in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 January 2009, applicant filed the instant submission which was accompanied by,

inter alia, a declaration of the inventor and a petition/fee for a one-month extension of time. The indication in the declaration that inventor Sture Roos is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 09 January 2009 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 09 January 2009 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/

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Facsimile: (571) 273-0459

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Nicolas Marsac	: DECISION ON REQUEST FOR
Patent Number	: 7597835	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,211	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **553** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Jochen Christ	: DECISION ON REQUEST FOR
Patent Number	: 7633457	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **273** 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 FEB 2009

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Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

In re Application of	:	
NAKASHIMA, et al.	:	
Application No.:10/597,222	:	
PCT No.: PCT/JP05/00749	:	DECISION ON REQUEST
Int. Filing Date: 21 January 2005	:	
Priority Date: 21 January 2004	:	
Attorney Docket No.: 09852/0205178-US0	:	
For: ION CONDUCTOR AND ELECTROCHEMICAL DISPLAY DEVICE UTILIZING THE SAME		

This decision is issued in response to applicants' "Response to Notice to File Missing Parts of Application" filed 09 December 2008 notifying the Office that the name of the fourth inventor is Naohito SAITO as indicated on the declaration (filed 17 July 2006) rather than Naohito SAITOU as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts that the name of the fourth inventor is Naohito SAITO The "Statement Concerning a Correction of Name of the Fourth Inventor, Naohito Saito" avers that "the incorrect spelling of my last name was unintentionally entered as 'SAITOU' . . The declaration we submit herewith indicates the correct spelling of my last name, 'SAITO'." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the fourth inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for 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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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

Mail Date: 04/21/2010

Applicant	: Michiya Nakashima	: DECISION ON REQUEST FOR
Patent Number	: 7630116	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,222	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **140** 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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OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER BC V6B 1G1 CA CANADA

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Patent No. 7,622,047	:	
Issue Date: November 24, 2009	:	
Application No. 10/597,238	:	ON PETITION
Filed: July 17, 2006	:	
Attorney Docket No. U008 0687/GNM	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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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.
10/597,257		Tomoatsu Kinoshita	09792909-6732	8374

EXAMINER

7590 12/13/2007
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
12/13/2007	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

FORM PET651D (Rev. 08/07)

2 2 JUN 2007

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Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C
2701 Troy Center Drive, Suite 330
PO BOX 7021
Troy, MI 48007-7021

In re Application of
JAUSS et al.
Application No.: 10/597,260
PCT No.: PCT/DE04/00844
Int. Filing Date: 23 April 2004
Priority Date: 26 April 2003
Attorney Docket No.: MFA-20402/04
For: INTERNAL COMBUSTION ENGINE FOR OPERATION WITH TWO DIFFERENT KNOCK RESISTANCE FUELS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 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 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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ELI LILLY AND COMPANY
ATTN: Robert D. Titus
Patent Division,
P.O. Box 6288
Indianapolis, IN 46206-6288

Mail Date: 04/21/2010

Applicant	: Rosanne Bonjouklian	: DECISION ON REQUEST FOR
Patent Number	: 7582652	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,283	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **603** 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 : 12-1-09

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/597283 Patent No.: 7582652

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Please check (Notice) on title Pg.

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

Ennis Young
Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: The USPTO will issue the certificate of correction sua sponte since the request for recalculation has been granted.

/Janet L. Andres/
SPE

1625
Art Unit

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/11/2010

Applicant	: Yasuhiro Maenishi	: DECISION ON REQUEST FOR
Patent Number	: 7664554	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/597,285	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **543** 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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 08/03/2010

Applicant	: Dong Hwal Lee	: DECISION ON REQUEST FOR
Patent Number	: 7668045	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/597,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **484** 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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 24 2009

22 Sep 2009

Applicant Mailing address

In re Application of:	Cho *et al.*	
Application No.:	10597305	
Filed:	19 Jul 2006	
Attorney Docket No.:	58049-00034	DECISION ON PETITION TO ACCEPT COLOR DRAWINGS

For: **Differentiation Regulating Agent Containing Gene Which Regulating Differentiation From Stem Cells Into Natural Killer Cells As Effective Ingredient**

This is in response to applicant's petition filed 03 Aug 2009 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) not providedd the required three (3) copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii); and (D) the petition indicates inserting a paragraph regarding the color drawings, however, this does not meet the criteria of 37 CFR 1.121. There is no fomal amendment to the specification regarding the color drawings in the an amendment attached to the specification. containing the appropriate language for incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv). The Legal Framework document http://www.uspto.gov/ebc/portal/efs/legal.htm indicates color drawings filed via EFSWEB are limited to design applications.

Applicant's petition is DENIED.

Questions with regard to this letter should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /
Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

22 Sep 2009

CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,305	07/19/2006	Inpyo Choi	58049-00034	9091

35736 7590 10/21/2009
JHK LAW
P.O. BOX 1078
LA CANADA, CA 91012-1078

EXAMINER
DUNSTON, JENNIFER ANN

ART UNIT	PAPER NUMBER
1636	

MAIL DATE	DELIVERY MODE
10/21/2009	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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

22 Sep 2009

JHK LAW
P/ O/ Box 1078
LA CANADA, CA 91012-1078

In re Application of:	Cho *et al.*	
Application No.:	10597305	
Filed:	19 Jul 2006	
Attorney Docket No.:	58049-00034	DECISION ON PETITION TO ACCEPT COLOR DRAWINGS
For:	**Differentiation Regulating Agent Containing Gene Which Regulating Differentiation From Stem Cells Into Natural Killer Cells As Effective Ingredient**	

This is in response to applicant's petition filed 03 Aug 2009 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) not providedd the required three (3) copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii); and (D) the petition indicates inserting a paragraph regarding the color drawings, however, this does not meet the criteria of 37 CFR 1.121. There is no fomal amendment to the specification regarding the color drawings in the an amendment attached to the specification. containing the appropriate language for incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv). The Legal Framework document http://www.uspto.gov/ebc/portal/efs/legal.htm indicates color drawings filed via EFSWEB are limited to design applications.

Applicant's petition is DENIED.

Questions with regard to this letter should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

22 Sep 2009

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,305	07/19/2006	Inpyo Choi	58049-00034	9091

35736 7590 05/25/2010
JHK LAW
P.O. BOX 1078
LA CANADA, CA 91012-1078

EXAMINER
DUNSTON, JENNIFER ANN

ART UNIT	PAPER NUMBER
1636	

NOTIFICATION DATE	DELIVERY MODE
05/25/2010	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):

uspto@jhkiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

21 May 2010

JHK LAW
P/ O/ Box 1078
LA CANADA, CA 91012-1078

In re Application of:	Cho *et al.*	
Application No.:	10597305	
Filed:	19 Jul 2006	
Attorney Docket No.:	58049-00034	DECISION ON PETITION TO ACCEPT COLOR DRAWINGS
For:	**Differentiation Regulating Agent Containing Gene Which Regulating Differentiation From Stem Cells Into Natural Killer Cells As Effective Ingredient**	

This is in response to applicant's renewed petition filed 13 May 2010 under 37 C.F.R. 1.84 to use color drawings in the application. Applicant has (A) paid the appropriate petition fee; (B) provided the required three (3) copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii); and (D) the petition indicates inserting a paragraph regarding the color drawings and a formal specification amendmenmt adding that material.

Applicant's petition is GRANTED.

Questions with regard to this letter should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

Christopher S. F. Low

CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER,
TECHNOLOGY CENTER 1600

24 May 2010

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OFFICE OF PETITIONS

COZEN O"CONNOR
250 PARK AVENUE
NEW YORK, NY 10177

In re Application of Tiziano Barea Application No. 10/597,318 Filed: July 20, 2006 Attorney Docket No. GIAMBROCONO-255792	:	ON PETITION

This is a decision in response to the petition, filed September 9, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 9, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 10, 2009. On September 9, 2009, the present petition was filed. A Notice of Abandonment was subsequently mailed on September 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2886 for appropriate action by the Examiner in the normal course of business on the reply received September 9, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Haluk Kulah	: DECISION ON REQUEST FOR
Patent Number	: 7579757	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,321	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **35** 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

0 3 APR 2009

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CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

In re Application of:	:	
CHIN, Po Shin, Francoise, et al.	:	DECISION ON REFUND
U.S. Application No.: 10/597,344	:	REQUEST
PCT No.: PCT/SG2004/000021	:	
International Filing Date: 20 January 2004	:	
Priority Date: None	:	
Atty Docket No.: 9694-000029/US/NP	:	
For: A SYSTEM, A TRANSCEIVER	:	
STRUCTURE FOR USE THEREIN	:	
AND A METHOD OF PROCESSING	:	
SIGNALS IN SUCH A SYSTEM	:	

This decision is issued in response to the request for refund contained in the "Response To Notice Of Missing Requirements" filed 12 August 2008. No petition fee is required.

BACKGROUND

On 20 January 2004, applicants filed international application PCT/SG2004/000021. The international application did not claim an earlier priority date, and it designated the United States. On 28 July 2005, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 July 2006.

On 20 July 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 application data sheet (ADS).

On 19 June 2008, 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 12 August 2008, applicants filed the "Response To Notice Of Missing Requirements" considered herein. The response includes payment of the $130 surcharge for filing the oath or declaration later than thirty months after the priority date and a copy of the PCT Rule 4.17(iv) declaration filed during the international phase of the application. In the submission, applicants argue that, because the executed declaration was filed during the international phase, the $130

surcharge for submitting the declaration later than thirty months after the priority date was not applicable here. Accordingly, applicants request a refund of the surcharge payment.

On 19 August 2008, the DO/EO/US mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) were satisfied as of 12 August 2008. On the same date, a filing receipt was issued identifying 12 August 2008 as the date under 35 U.S.C. 371(c). The filing receipt identified the first inventor as Francoise Chin Po Shin.

On 13 February 2009, pursuant to a request from applicants, a corrected filing receipt was issued in which the name of the first inventor was corrected to Po Shin Francoise CHIN, the name listed for this inventor in the published international application, the declaration, and the ADS filed by applicants herein.

DISCUSSION

As indicated on the published international application, an executed declaration of inventorship was filed in the international phase pursuant to PCT Rule 4.17(iv). A review of this declaration, a copy of which was included with applicants' 12 August 2008 submission, confirms that the declaration was in acceptable form.

Pursuant to 37 CFR 1.497(a), a new declaration is not required for the U.S. national stage where, as here, an acceptable declaration was timely submitted in the international application under PCT Rule 4.17(iv). The declaration requirement for the present application was therefore satisfied during the international phase, that is, prior to the expiration of thirty months from the priority date. Under such circumstances, requiring applicants to submit the surcharge for filing the oath or declaration later than thirty months after the priority date is not appropriate. Applicants' request for a refund of this surcharge payment is therefore properly granted.

Based on the filing of the declaration during the international phase, applicants' 20 July 2006 submission initiating the present national stage application (with accompanying basic national fee) completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The Notification Of Acceptance and filing receipt mailed herein, both of which identified the 35 U.S.C. 371(c) date as 12 August 2008, are therefore appropriately vacated, to be replaced with corrected versions that identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 20 July 2006.

CONCLUSION

Applicants' request for a refund of the $130 surcharge paid on 12 August 2008 is **GRANTED**.

Deposit Account No. 03-2769 will be credited with a refund of the $130.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 19 August 2008, which identified the 35 U.S.C. 371(c) date as 12 August 2008, is hereby **VACATED**.

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 corrected Notification Of Acceptance (Form PCT/DO/EO/903) that identifies the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 20 July 2006.

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

14 NOV 2008

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ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS MT 59105

In re Application of
Reistroffer
Application No.: 10/597,346
PCT No.: PCT/US2005/003302
Int. Filing Date: 01 February 2005
Priority Date: 06 February 2004
Attorney Docket No.: REI06-0001
For: Linear Incendiary Strand And Method For Prescribed Fire Ignition

DECISION

This is with regard to the "Petition To Revive" filed on 12 September 2008, which is being treated under 37 CFR 1.181 and 37 CFR 1.137(b).

BACKGROUND

This international application was filed on 01 February 2005, designated the United States, and claimed an earliest priority date of 06 February 2004. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 06 August 2006. Applicant timely filed *inter alia* the basic national fee on 20 July 2006.

On 04 December 2007, a filing receipt was mailed to applicant, showing a "Filing or 371(c) Date" of "07/20/2006." Also mailed was a Notification of Insufficient Fees (Form PCT/DO/EO/923) requiring the payment of $150.00 in additional claims fees.

On 28 August 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 the "notification of Missing Requirements (Form PCT/DO/EO/905), mailed 12/04/2007 within the time period set therein."

DISCUSSION

Petition Under 37 CFR 1.181

Petitioner asserts that "we never received the Notification of Insufficient Fees dated December 4, 2007," and requests a refund of the $770.00 petition fee under 37 CFR 1.137(b) on this basis. This assertion and request are, in effect, equivalent to a petition for withdrawal of the holding of abandonment on the basis of non-receipt of the Office correspondence in question. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971)*, an adequate showing of non-receipt of papers mailed to applicant by the Office 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 records must also be referenced in petitioner's statement).

Petitioner states that "I never received the Notification of Insufficient Fees." This statement satisfies requirement (1).

Petitioner does not explicitly state that a search of the file jacket and docket records indicates that the Notification was not received. Therefore, requirement (2) has not been satisfied.

Petitioner has not provided a copy of relevant docket records; therefore, requirement (3) has not been satisfied.

Since petitioner has not adequately demonstrated non-receipt of the Notification of Insufficient Fees mailed on 04 December 2007, it would not be appropriate to withdraw the holding of abandonment on the basis of non-receipt, or to refund the petition fee under 37 CFR 1.137(b), at this time

Petition Under 37 CFR 1.137(b)

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 required $150.00 in additional claims fees, 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.

It is noted that the Filing Receipt mailed on 04 December 2007 showed a "Filing or 371(c) Date" of "07/20/2006. However, no oath or declaration was filed in this national stage application until 23 August 2006. Therefore, the Filing Receipt mailed on 04 December 2007 was issued in error, and it is hereby **VACATED**.

Though the declaration filed on 23 August 2006 is suitable for purposes of compliance with 37 CFR 1.497(a) and (b), applicant has not paid the surcharge under 37 CFR 1.492(h), and no fee authorization appears to be present in the application file. Therefore, a Notification of Missing Requirements requiring payment of the surcharge is being issued.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice. Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a).

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

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring payment of 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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ANTOINETTE M. TEASE
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In re Application of Reistroffer Application No.: 10/597,346 PCT No.: PCT/US2005/003302 Int. Filing Date: 01 February 2005 Priority Date: 06 February 2004 Attorney Docket No.: REI06-0001 For: Linear Incendiary Strand And Method For Prescribed Fire Ignition	:	DECISION

This is with regard to the "Petition To Revive" (refund request) filed on 15 December 2008.

DISCUSSION

In a Decision mailed on 14 November 2008, the petition under 37 CFR 1.137(b) filed on 12 September 2008 was granted, while the petition under 37 CFR 1.181 filed on 12 September 2008 was dismissed, without prejudice, because

> Petitioner does not explicitly state that a search of the file jacket and docket records indicates that the Notification was not received. Therefore, requirement (2) has not been satisfied.
>
> Petitioner has not provided a copy of relevant docket records; therefore, requirement (3) has not been satisfied.

Because the petition under 37 CFR 1.181 was not grantable as presented, it was necessary and appropriate to consider the merits of the petition under 37 CFR 1.137(b).

In response, petitioner has filed a renewed petition for withdrawal of the holding of abandonment. In that this international application already has been revived with respect to the national stage in the United States, pursuant to 37 CFR 1.137(b), the instant petition is moot with respect to the issue of the revival of the application. Moreover, since the merits of the petition under 37 CFR 1.137(b) were treated in the Decision mailed on 14 November 2008, payment of the petition fee was appropriate. However, the following observations are made.

Petitioner states that "a search of the file jacket and docket records indicates that the Notification of Insufficient Fees dated December 4, 2007 was not received." This statement would be sufficient to satisfy requirement (2). Petitioner also provides "a copy of the docket sheet for this case." Inspection of the provided sheet reveals that it appears to be a listing of documents pertaining only to this particular application. MPEP 711.03(c) explains (in part) 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. 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.

Since the provided docket record does not appear to be a copy of a master docket report, and since no statement of the unavailability of such a report has been made, it would not be appropriate to conclude requirement (3) to have been satisfied.

It is also noted that petitioner has not provided a statement describing the system used for recording received correspondence. MPEP 711.03(c) also states that

*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.*

Since petitioner has not adequately demonstrated non-receipt of the Notification of Insufficient Fees mailed on 04 December 2007, and because it was necessary to reach the merits of the petition under 37 CFR 1.137(b), it would not be appropriate to refund the petition fee at this time.

The Filing Receipts mailed on 04 December 2007 and 26 May 2009 show a "Filing or 371(c) Date" of "07/20,2006," but the executed declaration was not filed until 23 August 2006. Therefore, both of said filing receipts were defective, and they are hereby **VACATED**.

DECISION

The petition is **DISMISSED**, without prejudice.

Applicant is **not required** to respond to this Decision. Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a).

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 **23 August 2006**.

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

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OFFICE OF PETITIONS

ANTOINETTE M. TEASE
P.O. BOX 51016
BILLINGS MT 59105

In re Application of	:	
Jeffrey P. REISTROFFER	:	
Application No. 10/597,346	:	DECISION ON PETITION
Filed: August 23, 2006	:	TO WITHDRAW
Attorney Docket No. RE106-0001	:	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 13, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 attorneys of record were appointed through the use of a Customer Number. Since the request does not specify the proper designation by which the attorneys of record were appointed, the request cannot be approved.

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

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

/Diane C. Goodwyn/
Diane c. Goodwyn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Jeffrey P. REISTROFFER	:	
Application No. 10/597,346	:	DECISION ON PETITION
Filed: August 23, 2006	:	TO WITHDRAW
Attorney Docket No. REI106-0001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 7, 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 Antoinette Tease on behalf of the attorneys of record associated with Customer No. 45766.

The attorneys of record associated with Customer No. 45766 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JEFFREY P. REISTROFFER
P.O. BOX 728
PLAINS, MT 59859

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/597,346	08/23/2006	Jeffrey P. Reistroffer	REI06-0001

CONFIRMATION NO. 9676

POWER OF ATTORNEY NOTICE

45766
ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS, MT 59105

OC000000039978638

Date Mailed: 02/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2010.

- 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.

/dcgoodwyn/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/05/10

TO SPE OF : ART UNIT 2814

SUBJECT : Request for Certificate of Correction for Appl. No.: 10597349 Patent No.: 7646088

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: _____

_____

_____

_____

_____

SPE — 2814 Art Unit

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Koji Itoh	: DECISION ON REQUEST FOR
Patent Number	: 7646088	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,349	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **378** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/11/2010

Applicant	: Masami Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7658554	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/597,360	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

MAILED

MAR 12 2009

OFFICE OF PETITIONS

Applicant: Ben Lakhdar et al.
Appl. No.: 10/597,371
Filing Date: February 4, 2005
Title: METAL FIN FOR AIR HEAT EXCHANGER
Attorney Docket No.: 06096
Pub. No.: US 2008/0164013 A1
Pub. Date: July 10, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 31, 2008 and resubmitted on November 28, 2008, for the above-identified application

Applicant requests that the application be republished because the patent application publication contains the wrong inventors.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The papers including an Oath received by the Office on August 20, 2007 by another attorney acting in a representative capacity and which were scanned into this application and published have been relabeled as an improper document.

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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Mail Date: 04/22/2010

Applicant	: Kevin Stamp	: DECISION ON REQUEST FOR
Patent Number	: 7645265	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,379	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **386** 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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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel, NJ 07733

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Stephan Steinke et al.	:	
Application No. 10/597,434	:	DECISION ON PETITION
Filed: March 25, 2008	:	TO WITHDRAW
Attorney Docket No. 9771-007US	:	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 10, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to DeMont & Breyer has been revoked by the assignee of the patent application on October 1, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Molex Incorporated
2222 Wellington Court
Lisle, IL 60532

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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204

MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Keiichiro Oishi	:	
Application No. 10/597,454	:	DECISION GRANTING PETITION
Filed: July 26, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MIKI0003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 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 July 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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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Date Mailed: June 2, 2008

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

Applicant: Balestracci et al.
Appl. No.: 10/597,456
Filing Date: August 30, 2004
Title: IMPROVED CONTAINERS FOR PHARMACEUTICALS, PARTICULARLY FOR USE IN RADIOISOTOPE GENERATORS
Attorney Docket No.: 84637.010702
Pub. No.: US 2007/0217959 A1
Pub. Date: September 20, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 29, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 06/02/2008  KKING1
05/30/2008 INTEFSW  00001709 10597456
01 FC:1504                      -300.00 OP


Refund Ref:
06/02/2008            0030056404
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Credit Card Refund Total:      $300.00

VISA....: XXXXXXXXXXXX6628
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PEARNE & GORDON LLP
1801 EAST 9TH SRTEET
SUITE 1200
CLEVELAND OH 44114-3108

MAIL

FEB 16 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Hajime Maekawa, et al.
Application No. 10/597,496
Filed: July 27, 2006
For: **INFORMATION PROCESSING DEVICE, SERVER, COMMUNICATION SYSTEM, ADDRESS DECISION METHOD, ADDRESS MODIFICATION METHOD, AND PROGRAM**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed August 24, 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.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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

Mail Date: 04/21/2010

Applicant	: Keisuke Morita	: DECISION ON REQUEST FOR
Patent Number	: 7655299	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,505	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **756** 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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2 9 APR 2008

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of
RUFFINI et al.
Application No.: 10/597,522 :
PCT No.: PCT/IB2005/050189 :
Int. Filing Date: 17 January 2005 :
Priority Date: 29 January 2004 : DECISION
Atty. Docket No.: DE 040024 :
For: METHOD OF IMPROVING :
COMMUNICATION BETWEEN :
MOBILE NODES

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

BACKGROUND

On 17 January 2005, applicants filed international application PCT/IB2005/050189 which claimed a priority date of 29 January 2004 and which designated the United States. On 11 August 2005, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 July 2006.

On 28 June 2006, counsel for Philips Intellectual Property & Standards electronically filed a request to enter the national stage in the United States for international application PCT/IB2005/050189, which included, among other materials: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; a preliminary amendment; and an executed declaration. The filing was assigned U.S. application number 10/597,522 and has been appropriately treated as the U.S. national stage of international application PCT/IB2005/050189.

On 31 July 2006, counsel for Philips Electronics North America Corporation filed on behalf of applicants 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) requesting entry into the national stage in the United States for international application PCT/IB2005/050189. The submission included, among other materials, payment of the basic national fee. These papers were assigned U.S. application number 10/588,143.

DISCUSSION

As is evident from the above-recited facts, counsel has submitted two sets of papers to enter the national stage under 35 U.S.C. 371 for international application number PCT/IB2005/050189 (U.S. application numbers 10/597,522 and 10/588,143). The end result for an international application designating the United States is a single U.S. national stage application (see 35 U.S.C. 363). Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 10/597,522 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 10/597,522 is the application file that will continue to be processed as the national stage of PCT/IB2005/050189. The other set of national stage materials filed on 31 July 2006 and originally assigned U.S. application number 10/588,143 will be placed in the present application file, and U.S. application number 10/588,143 will be discontinued.

Applicant should use application number 10/597,522 in all future communications with the United States Patent and Trademark Office (PTO). Application number 10/588,143 will be discontinued.

CONCLUSION

Application no. 10/597,522 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to merge the papers filed in U.S. Application no. 10/588,143 into U.S. Application no. 10/597,522 and refund any filing fees paid in connection with the application number 10/588,143.

All future correspondence with respect to the U.S. national stage of PCT/IB2005/050189 will be directed solely to above-named attorneys.

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

cc: Philips Electronics North America Corporation
Intellectual Property & Standards
370 W. Trimble Road MS 91/MG
San Jose, CA 95131

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2 2 MAY 2007

GLAXOSMITHKLINE
Corporate Intellectual Property, MAI B475
Five Moore Dr., P.O. BOX 13398
Research Triangle Park, NC 27709-3398

In re Application of	:	
BROWN, et al.	:	
Application No.: 10/597,527	:	
PCT No.: PCT/GB05/00348	:	DECISION ON PAPERS
Int. Filing Date: 01 February 2005	:	
Priority Date: 03 February 2004	:	UNDER 37 CFR 1.42
Attorney Docket No.: Pb60728USW	:	
For: COMBINATION OF CB2 MODULATORS AND PDE4 INHIBITORS FOR USE IN MEDICINE	:	

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 02 November 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 01 February 2005, applicant filed international application PCT/GB05/00348, which claimed priority to an earlier application filed 03 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. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 August 2006.

On 28 July 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 a First Preliminary Amendment.

On 02 November 2006, applicant filed the declaration discussed herein accompanied by payment of the surcharge for providing an executed oath or declaration of the inventors later than thirty months from the earliest claimed priority date.

DISCUSSION

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

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

In addition to the inventors listed on the published international application, the declaration submitted on 02 November 2006 was executed by Jennifer Margaret Doughty as legal representative of the estate of deceased inventor, Richard Howard Green. The declaration provides the citizenship for the deceased inventor and the citizenship, residence and mailing address for the signing legal representative 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 01 February 2005 and will be given a date of **02 November 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

18 JUL 2008

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25006
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
P.O. Box 7021
Troy, MI 48007-7021

In re Application of
JENSEN, Benny V.
U.S. Application No.: 10/597,545
PCT No.: PCT/DK2005/000065
Int. Filing Date: 28 January 2005
Priority Date: 30 January 2004
Attorney Docket No.: HOI-11502/16
For: USE OF ACE INHIBITORS AND/OR ANGIOTENSIN II RECEPTOR ANTAGONISTS FOR THE IMPROVING AND/OR MAINTAINING THE SKIN TONE AND FOR THE TREATMENT OF SKIN AGEING

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the papers filed 11 October 2007 requesting to add Richard Bonniehsen 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 28 July 2006, applicants filed papers to enter the national stage of PCT/DK2005/000065.

On 11 October 2007, applicants filed a declaration listing two inventors which was accompanied by, *inter alia*, a statement under 37 CFR 1.48(a) by Richard Bonniehsen and a $130.00 processing fee.

DISCUSSION

Applicants request that Richard Bonniehsen be added as inventor to the above-captioned national stage application of PCT/DK2005/000065.

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 provided the requisite statement from Mr. Bonniehsen. As such, item (1) is satisfied.

The $130.00 fee has been paid. Item (2) is complete.

However, applicants have not provided the written consent of the assignee. A review of the subject application shows that the assignee is listed as ACE APS. Applicants must provide a written consent of the assignee for a grantable petition under 37 CFR 1.497(d). Item (3) of 37 CFR 1.497(d) is not satisfied.

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.

The declaration filed 11 October 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. 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 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

01 DEC 2008

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25006
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
P.O. Box 7021
Troy, MI 48007-7021

In re Application of
JENSEN, Benny V.
U.S. Application No.: 10/597,545
PCT No.: PCT/DK2005/000065
Int. Filing Date: 28 January 2005
Priority Date: 30 January 2004
Attorney Docket No.: HOI-11502/16
For: USE OF ACE INHIBITORS AND/OR ANGIOTENSIN II RECEPTOR ANTAGONISTS FOR THE IMPROVING AND/OR MAINTAINING THE SKIN TONE AND FOR THE TREATMENT OF SKIN AGEING

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the papers filed 18 September 2008 requesting to add Richard Bonniehsen as an inventor in the above-captioned national stage application. This is treated as a renewed request under 37 C.F.R. 1.497(d).

BACKGROUND

On 18 July 2008, 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 18 September 2008, applicants filed the renewed petition along with, *inter alia*, a "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR § 1.497(d)(3)."

DISCUSSION

Applicants request that Richard Bonniehsen be added as inventor to the above-captioned national stage application.

As previously noted, 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 completed items (1) and (2) in the initial petition. Applicants failed to provide the written consent of the assignee ACE ApS in the original petition.

In the renewed petition, applicants submitted a statement signed by the Director of ACE ApS consenting to the addition of the inventor. A Director is a position in a foreign corporation presumed to have authority to sign for a corporation. *See* § 324 MPEP. The reel and frame number of the assignment was also provided. Item (3) of 37 CFR 1.497(d) is now satisfied.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add Richard Bonniehsen as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 11 October 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 28 January 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 October 2007.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

1 2 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

In re Application of	:	
HAMMOND, Geoffrey Robert et al.	:	
Application No.: 10/597,550	:	DECISION
PCT No.: PCT/GB2005/000343	:	
Int. Filing Date: 01 February 2005	:	ON PETITION UNDER
Priority Date: 18 February 2004	:	
Docket No.: 102792-603 (11302P1 US)	:	37 CFR 1.47(a)
For: CLEANING DEVICE	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 October 2008.

BACKGROUND

On 02 June 2008, 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 01 October 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) have been satisfied. The $200 petition fee has been paid. The declaration of the inventors complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has not been satisfied. Applicants must establish that the inventor has refused to sign the declaration after presentation with a complete copy of the application papers. Applicant has not provided a first hand declaration by the person who prepared the package or mailed it stating that the enclosures were present. Further, applicants has not detailed any efforts to followup on the letter to confirm that the address is still valid and that the inventor received the

communications. Applicants have not made of record the signature that signed for the package or stated the name of the person who signed for the package. Facts supporting such a showing should be made of record by way of a first hand declaration of the facts. Supporting documentation should be provided.

Finally, the decisions in the other applications before the Office are of limited value as each petition is decided on the record of the individual application and the most recent of those decisions was more than two years ago.

Item (3) has not been satisfied. The petition does not state the last known mailing address of the non-signing inventor.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed 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

2 1 APR 2009

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NORRIS, MCLAUGHLIN & MARCUS
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In re Application of	:	
HAMMOND, Geoffrey Robert et al.	:	
Application No.: 10/597,550	:	DECISION
PCT No.: PCT/GB2005/000343	:	
Int. Filing Date: 01 February 2005	:	ON PETITION UNDER
Priority Date: 18 February 2004	:	
Docket No.: 102792-603 (11302P1 US)	:	37 CFR 1.47(a)
For: CLEANING DEVICE	:	

This is a decision on applicants' Renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 09 March 2009.

BACKGROUND

On 12 November 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition.

On 09 March 2009, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) have been satisfied. The $200 petition fee has been paid. The declaration of the inventors complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has now been satisfied.

Item (3) has not been satisfied. The petition does not state the last known mailing address of the non-signing inventor.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed 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/

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2 9 JUN 2009

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
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NEW YORK NY 10022

In re Application of	:	
HAMMOND, Geoffrey Robert et al.	:	
Application No.: 10/597,550	:	DECISION
PCT No.: PCT/GB2005/000343	:	
Int. Filing Date: 01 February 2005	:	ON PETITION UNDER
Priority Date: 18 February 2004	:	
Docket No.: 102792-603 (11302P1 US)	:	37 CFR 1.47(a)
For: CLEANING DEVICE	:	

This is a decision on applicants' Renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 05 May 2009.

BACKGROUND

On 21 April 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition.

On 05 May 2009, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (4) have been satisfied.

Item (3) has now been satisfied. Applicants state the last known mailing address of non-signing inventor Lamson Nguyen as 278 Maple Avenue, Somerset, NJ 08873.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **01 October 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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2 9 JUN 2009

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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Lamson Nguyen
278 Maple Avenue
Somerset, NJ 08873

In re Application of
HAMMOND, Geoffrey Robert et al.
Application No.: 10/597,550
PCT No.: PCT/GB2005/000343
Int. Filing Date: 01 February 2005
Priority Date: 18 February 2004
Docket No.: 102792-603 (11302P1 US)
For: CLEANING DEVICE

Dear Mr. Nguyen:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

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Attorney Advisor
PCT Legal Administration

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28 APR 2009

Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

In re Application of	:	
Furst et al.	:	
U.S. Application No. 10/597,552	:	
PCT No.: PCT/DK2005/000086	:	
Int. Filing Date: 09 February 2005	:	DECISION
Priority Date: 09 February 2004	:	
Attorney Docket No.: 04305/0205242-US0	:	
For: DIGITAL MICROPHONE	:	

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

BACKGROUND

On 28 July 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/597,552.

The materials filed 28 July 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/DK2005/076466; (2) a preliminary amendment that identified the application as a national stage of PCT/DK2005/076466; (3) an application data sheet that identified the application as a national stage of PCT/DK2005/000086 and (4) a fee payment of $900.

The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US05/76466. Thus, applicant's 28 July 2006 filing included conflicting instructions that identified the submission as a U.S. national stage of three different international applications: PCT/DK2005/000086; PCT/DK2005/076466; and PCT/US2005/076466.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/076466, the international

application number set forth in the bibliographic data provided by applicant when filing the electronic application.

DISCUSSION

A review of the materials filed by applicants on 28 July 2006 as a whole reveals that applicant's likely intention was to enter the national stage for international application PCT/DK2005/000086. However, as noted above, applicant's entry of PCT/US2005/076466 during the filing process has caused the present application file to be initiated as a national stage of PCT/US2005/076466. Moreover, due to the conflicting instructions in the 28 July 2006 filing, the U.S. basic national fee filed on 28 July 2006 cannot, on the present record, be treated as having been directed to PCT/DK2005/000086 (as necessary to avoid abandonment of such application).

In order for the 28 July 2006 national stage entry and basic national fee payment to be treated as filed on such date with respect to PCT/DK2005/000086, a grantable petition under 37 CFR 1.182 is required. Such a petition must: (1) specifically identify the international application for which national stage entry was intended; (2) explain the presence of the conflicting instructions (i.e., typographical errors, etc.); and (3) correct the file record to correspond with the desired application, where appropriate (i.e., submit a corrected Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission). The petition must also include the required $400 petition fee.

CONCLUSION

As set forth above, a grantable petition under 37 CFR 1.182 is required to clarify the international application to which the 28 July 2006 national stage filing and basic national fee were directed. The requirements for such a petition are discussed above.

Such petition must be submitted within **TWO (2) MONTHS** of the mail date of the present communication. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136(a) are available.

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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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Facsimile: 571-273-0459

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13 JUL 2009

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New York NY 10008-0770

In re Application of	:	
Fürst et al.	:	
U.S. Application No. 10/597,552	:	
PCT No.: PCT/DK2005/000086	:	
Int. Filing Date: 09 February 2005	:	DECISION
Priority Date: 09 February 2004	:	
Attorney Docket No.: 04305/0205242-US0	:	
For: DIGITAL MICROPHONE	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 09 June 2009. The petition seeks to correct the bibliographic data (international application number) for the national stage application papers filed 28 July 2006, so as to allow such materials to be treated as the U.S. national stage of PCT/DK2005/000086. The required $400 petition fee has been submitted.

BACKGROUND

On 28 July 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/597,552.

The materials filed 28 July 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/DK2005/076466; (2) a preliminary amendment that identified the application as a national stage of PCT/DK2005/076466; (3) an application data sheet that identified the application as a national stage of PCT/DK2005/000086; and (4) a fee payment of $900.

The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US05/76466. Thus, applicants' 28 July 2006 filing included conflicting instructions that identified the submission as a U.S. national stage of three different international applications: PCT/DK2005/000086; PCT/DK2005/076466; and PCT/US2005/076466.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/076466, the international application number set forth in the bibliographic data provided by applicants when filing the electronic application.

DISCUSSION

As stated above, the bibliographical data provided by applicants incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 28 July 2006 can be treated as having been directed to international application PCT/DK2005/000086, as necessary to avoid abandonment of the international application with respect to the United States.

Here, applicants confirm that the correct international application is PCT/DK2005/000086 and the petition further states that the correct international application number was listed on the application data sheet filed 28 July 2006. Applicants' present submission included the required petition fee to correct applicants' inadvertent typographical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicants' error in the bibliographical data filed 28 July 2006 and to permit such materials to be treated as having been directed to international application PCT/DK2005/000086.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number has been corrected and is now associated with PCT/DK2005/000086.

The materials filed 28 July 2006 have been assigned U.S. application number 12/443,856, and will be treated as the national stage of PCT/DK2005/000086.

Anthony S

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Tsugunori Konakawa	: DECISION ON REQUEST FOR
Patent Number	: 7624718	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,558	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **121** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MAILED

JUN 26 2009

OFFICE OF PETITIONS

Larson & Anderson, LLC
re: lexan
PO BOX 4928
DILLON CO 80435

Applicant: Kamps et al.
Appl. No.: 10/597,586
International Filing Date: January 20, 2005
Title: PROCESS FOR PRODUCTION OF COPOLYCARBONATES WITH REDUCED COLOR
Attorney Docket No.: GEPL.P-070-2
Pub. No.: US 2008/0076902 A1
Pub. Date: March 27, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 9, 2008, for the above-identified application.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,501,481 on March 10, 2009, the request is deemed moot.

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

2 2 MAY 2009

Commissioner for Patents
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DARBY & DARBY P.C.
P.O. BOX 770
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In re Application of	:	
PARK	:	
PCT No.: PCT/KR05/00360	:	DECISION ON PETITION
Application No.: 10/597,607	:	
Int. Filing Date: 05 February 2005	:	UNDER 37 CFR 1.181
Priority Date: 05 February 2004	:	
Atty. Docket No.: 20506/0205263-US0	:	
For: III-NITRIDE COMPOUND SEMICONDUCTOR	:	
LIGHT EMITTING DEVICE	:	

This is a decision on applicant's "PETITION UNDER 37 C.F.R. 1.182" filed on 12 May 2009 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 February 2005, applicant filed international application PCT/KR05/00360 which claimed priority to an earlier application filed 04 February 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 18 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 05 August 2006.

On 01 August 2006, applicant filed a transmittal letter for entry into the U.S. National stage which included payment of the U.S. basic national fee.

On 03 August 2006, applicant filed a second transmittal letter for entry into the U.S. National stage accompanied by an executed declaration of the inventor and payment of all remaining fees. Applicant did not include an express request to begin national examination procedures.

On 25 March 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements of 01 August 2006 and a completion date of all 35 U.S.C. 371 requirements of 05 August 2006. The accompanying official filing receipt listed the filing or 371(c) date as 01 August 2006 and the international filing date of international application PCT/KR05/00360 as 05 March 2005.

On 20 February 2009, applicant was mailed a corrected official filing receipt which corrected the international filing date of PCT/KR05/00360 to 05 February 2009.

On 12 May 2009, applicant filed the present petition for a corrected filing receipt and Form PCT/DO/EO/903 seeking a 371 filing date of 03 August 2006 and correcting of the international filing date.

DISCUSSION

As noted above, the international filing date for the underlying international application has been corrected to 05 February 2005 as reflected in the corrected official filing receipt mailed 20 February 2009. As to the 371 (c) date, the best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the electronic filing receipt from the filing of 03 August 2006 showing the filing of the executed declaration, the last of the 35 U.S.C. 371 requirements, on that date.

CONCLUSION

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

The application has an international filing date of 05 February 2005 under 35 U.S.C. 363 and will be given a date of **03 August 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 25 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 "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

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Tel: (571) 272-3294
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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.
10/597,613	11/17/2006	Benny Rousso	41062	3794

7590 07/22/2009
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
LEE, YUN HAENG NMN

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
07/22/2009	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

3 0 OCT 2008

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

POLYONE CORPORATION
33587 Walker Road
Avon Lake, OH 44012

In re Application of:	:	
HORTON	:	DECISION ON PETITION
U.S. Application No.: 10/597,621	:	UNDER 37 CFR 1.181
PCT Application No.: PCT/US2005/002878	:	
Int. Filing Date: 01 Feb 2005	:	
Attorney's Docket No.: 1200403NUS	:	
For: CATHODIC PROTECTION	:	
COMPOUNDS	:	

This decision is in response to the "Refund Request", filed 19 September 2008, and the "Response to Notification of Missing Requirements" filed 14 July 2008.

BACKGROUND

International application no. PCT/US2005/002878 designating the U.S. was filed on 01 February 2005 with an executed declaration of inventorship under PCT Rule 4.17(iv). The international application has a priority date of 04 February 2004. Accordingly, the 30-month deadline for paying the basic national fee expired at midnight of 04 August 2006.

On 01 August 2006, applicant filed a submission to enter the U.S. national phase under 35 U.S.C. 371 including, inter alia, the basic national fee.

On 09 July 2008, a "Notification of Missing Requirements under 35 U.S.C. 371" was mailed to applicant requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and a surcharge fee.

On 14 July 2008, applicant filed a Response together with a copy of the previously filed Rule 4.17(iv) declaration. The Response asserts that no fees are required.

On 18 July 2008, a Notification of Acceptance was mailed according the application a "371" date of 14 July 2008. Applicant was charged a surcharge fee for acceptance of the declaration filed 14 July 2008.

On 19 September 2008, a "Refund Request" was filed.

DISCUSSION

Initially, it is noted that the Refund Request filed 19 September 2008 has not been signed in accordance with 37 CFR 1.33(b) and, accordingly, will not be treated on the merits. However, the Response filed 14 July 2008, will be treated as a petition under 37 CFR 1.181.

Office records indicate that an executed declaration in compliance with PCT Rule 4.17(iv) was timely submitted in the international phase. Accordingly, the mailing of the Notification of Missing Requirements requiring a new oath or declaration was improper. Further, the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date of Completion of all 35 U.S.C. 371 Requirements" indicated on the Notification of Acceptance, which was based on the 14 July 2008 resubmission of the Rule 4.17(iv) declaration, is in error and is hereby vacated.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.181 is **GRANTED**. The Notification of Missing Requirements mailed 09 July 2008 and the Notification of Acceptance mailed 18 July 2008 are hereby **VACATED**.

The application is being forwarded to the National Stage Processing Division for mailing of a corrected Notification of Acceptance and Filing Receipt. The late surcharge and processing fees paid on 14 July 2008 will be refunded in due course.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288
Facsimile: (571) 273-0459

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17 SEP 2007

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

In re Application of BAR et al. Application No.: 10/597,623 PCT No.: PCT/EP04/52367 Int. Filing: 29 September 2004 Priority Date: 13 December 2003 Attorney Docket No.: CM06381EI For: APPARATUS AND METHOD OF DIRECT MODE RADIO COMMUNICATION	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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 August 2006.

Cynthia M. Kratz

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

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

2 2 MAR 2007

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1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of KIN FAI KAM Application No.: 10/597,630 PCT Application No.: PCT/GB05/00329 Int'l Filing Date: 31 January 2005 Priority Date: 03 February 2004 Attorney Docket No.: PRCE0102PUSA For: SPECTACLE SUPPORT SYSTEM	DECISION ON PETITION under 37 CFR 1.182

This is a decision on applicant's "Petition for Decision on a Question Not Specifically Provided for Under Rule 37 CFR 1.182", which is treated as a petition under 37 CFR 1.182 to correct the PCT application number in the national stage application papers filed in the United States Patent and Trademark Office on 26 December 2006. The $400 petition fee has been charged to applicant's deposit account per his authorization.

On 26 December 2006, applicant filed the instant petition, treated as a petition under 37 CFR 1.182 to correct the international application number in the U.S. national stage application to PCT/**GB**05/00329. Applicant filed the U.S. national stage papers originally on 02 August 2006, which incorrectly referenced PCT/**US**05/00329. However, the declaration was filed referencing PCT/GB05/00329.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/GB05/100329 on the national stage papers filed on 02 August 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/GB05/00329.

Cynthia M. Kratz

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

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

0 4 AUG 2008

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

In re Application of	:	
KAHLMAN et al.	:	
Application No.: 10/597,639	:	DECISION ON
PCT No.: PCT/IB2004/051329	:	
Int. Filing Date: 29 July 2004	:	PETITION UNDER
Priority Date: 30 July 2003	:	
Attorney Docket No.: NL040857	:	37 CFR 1.137(b)
For: ON-CHIP MAGNETIC SENSOR DEVICE	:	
WITH SUPPRESSED CROSS-TALK	:	

This decision is in response to applicants' submission filed 02 August 2006.

BACKGROUND

On 29 July 2004, applicants filed international application PCT/IB2004/051329 which designated the U.S. and claimed a priority date of 30 July 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2006.

On 02 August 2006, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of the inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 August 2006.

As to item (2), applicant submitted the petition fee on 02 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 the inventors filed 02 August 2006 is in compliance with 37 CFR 1.497(a)-(b). The published international application lists only the middle initials of each of the inventors while the declaration of inventors filed 02 August 2006 lists the middle names of each of the inventors. As to these middle names, the difference in names is presumed not to be a name change or a change of inventors or a typographical error. The names listed on the international application are presumed to be shortened versions of the names listed in the declaration and these names are construed to designate the same persons. (If this interpretation is incorrect, applicants are required to provide a written notification of this fact to the Office of PCT Legal Administration *immediately*.)

Fees

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 141270.

CONCLUSION

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

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.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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1 9 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Whitham, Curtis, Christofferson & Cook, P.C.
11491 Sunset Hills Road - #340
Reston, VA 20190

In re Application of	:	
FALAKI, et al.	:	DECISION ON PETITION
Serial No.: 10/597,647	:	
PCT No.: PCT/JP05/01988	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 03 February 2005	:	
Priority Date: 04 February 2004	:	
Atty Docket No.: 00990096AA	:	
For: SYSTEM AND METHOD FOR NETWORK HANDOVER	:	

This decision is in response to the "Submission of Declaration And Power of Attorney Document; Submission of Assignment; And Petition Under 37 C.F.R §1.47(B)" filed 19 July 2007 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Veluppillai Manimohan. Applicant is advised that the petition is being considered under 37 CFR 1.47(a) as applicant has provided a declaration executed by the other co-inventor, Hamid Falaki. As authorized, the $200.00 petition fee will be charged to deposit account number 50-2041.

BACKGROUND

On 03 February 2005, applicant filed international application PCT/JP05/01988 which claimed priority to a previous application filed 04 February 2004. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 18 August 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 04 August 2006.

On 02 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 19 July 2007, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." It does not appear from the filed exhibits that a complete set of application papers was mailed to Mr. Manimohan. The letter from Ms. Gardiner indicates that she is providing the inventor with two documents: a combined declaration and power of attorney and an assignment. Absent a showing that the inventor has been presented with a complete set of application papers it is not possible to accept the inventor's silence as a refusal.

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

CONCLUSION

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

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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15 AUG 2008

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11491 Sunset Hills Road
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In re Application of	:	
FALAKI, et al.	:	
U.S. Application No.: 10/597,647	:	DECISION ON RENEWED
PCT No.: PCT/JP05/01988	:	
Int. Filing Date: 03 February 2005	:	PETITION UNDER
Priority Date: 04 February 2004	:	
Attorney Docket No.: 00990096AA	:	37 CFR 1.47(a)
For: SYSTEM AND METHOD FOR NETWORK	:	
HANDOVER	:	

This decision is in response to the applicant's "Renewed Petition Under 37 C.F.R. 1.47 (a)" filed 08 August 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of co-inventor Veluppillai Manimohan.

BACKGROUND

On 19 June 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this time period could be extended pursuant to 37 CFR 1.136(a).

On 08 August 2008, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 19 June 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

With the filing of the present renewed petition and supporting documentation, applicant has satisfied all of the concerns raised in the decision of 19 June 2008 and it is proper to grant applicant's renewed petition at this time. Specifically, applicant has shown that in addition to the previous correspondence mailed 27 April 2007 notifying Mr. Manimohan of the need to sign a declaration; Mr. Manimohan was presented with a complete set of the application papers and a new declaration for execution on 24 July 2008. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 03 February 2005 under 35 U.S.C. 363, and will be given a date of **19 July 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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15 AUG 2008

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Mr. Veluppillai Manimohan
57 Elizabeth Gardens
Isleworth
Middlesex
TW7 7BD
UNITED KINGDOM

In re Application of
FALAKI, et al.
U.S. Application No.: 10/597,647
PCT No.: PCT/JP05/01988
Int. Filing Date: 03 February 2005
Priority Date: 04 February 2004
Attorney Docket No.: 00990096AA
For: SYSTEM AND METHOD FOR NETWORK HANDOVER

Dear Mr. Manimohan:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Michael E. Whitman
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3 1 AUG 2009

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
KASAHARA, Tetsushi et al.	:	
U.S. Application No.: 10/597,650	:	
PCT No.: PCT/JP2005/001496	:	DECISION ON
Int. Filing Date: 02 February 2005	:	
Priority Date: 03 February 2004	:	PETITION
Attorney Docket No.: P30417	:	
For: MEMORY CARD, DATA	:	UNDER 37 CFR 1.182
PROCESSOR, MEMORY CARD	:	
CONTROL METHOD AND	:	
MEMORY CARD SETTING	:	

This is a decision on applicant's request to change the date under 35 USC 371, filed in the United States Patent and Trademark Office on 10 April 2009. For the reasons discussed below, the petition has been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 30 April 2007, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903), indicating that the application had a date under 35 USC 371(c)(1), (c)(2) and (c)(4) and for all 35 USC 371 requirements of 13 March 2007.

On 05 June 2007, applicants filed a petition to correct the date under 35 USC 371 accompanied by the postcard receipt.

DISCUSSION

Applicants claim to have first supplied the balance of the 371 requirements on 07 November 2006, rather than 13 March 2007. Applicants did not furnish a copy of the papers that they claim to have submitted on 07 November 2006.

However, on reviewing the 13 March 2007 submission, the application number "10/597,006" was located on the Information Disclosure Statement. A search of "10/597,006" located the missing 07 November 2006 submission. This request to correct the 371 dates of this application is being treated as a petition under 37 CFR 1.182 to relocate misdirected papers. The fee for the petition will be charged to deposit account no. 19-0089, as authorized.

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 30 April 2007 is **VACATED**.

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 **07 November 2006**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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HOUSTON TX 77002

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of
Keirsgieter
Application No. 10/597,670
Filed: April 9, 2007
Attorney Docket No.932017

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed September 3, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on December 4, 2008. A Notice of Abandonment was mailed on March 12, 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, drawings and specification, (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Christensen O'Connor Johnson Kindness PLLC
1420 Fifth Avenue
Suite 2800
Seattle, WA 98101-2347

Mail Date: 04/20/2010

Applicant	: Nobuharu Mashima	: DECISION ON REQUEST FOR
Patent Number	: 7659855	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,679	: 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 **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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4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE, MN 55110-3205

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In re Application of :
Daniel W. Mayer et al :
Application No. 10/597,682 : ON PETITION
Filed: August 3, 2006 :
Attorney Docket No. MCN226USPT02

This is a decision on the petition, filed January 6, 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 December 1, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2856 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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Mail Date: 04/20/2010

Applicant	: Daniel W. Mayer	: DECISION ON REQUEST FOR
Patent Number	: 7624623	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,682	: 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 **196** 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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SUITE 400 SOUTH
WASHINGTON, DC 20004

In re Application of RUBERTI et al	:	
U.S. Application No.: 10/597,688	:	
PCT Application No.: PCT/US2005/004773	:	
Int. Filing Date: 04 February 2005	:	
Priority Date Claimed: 04 February 2004	:	DECISION
Attorney Docket No.: 20780-0025	:	
For: SYSTEMS AND METHODS FOR	:	
CONTROLLING AND FORMING	:	
POLYMER GELS	:	

This is in response to applicant's "Petition Under 37 CFR § 1.47" filed 02 July 2007.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/US2005/004773, 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 04 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 02 July 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 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 Jeffrey Ruberti refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Dr. Ruberti for signature (see affidavit of John Isacson, ¶¶ 2 and 4, and Exhibits A and B). Furthermore, the petition sufficiently illustrates that Dr. Ruberti refuses to sign. In particular, Dr. Ruberti's failure to respond to the messages dated 01 June 2007 and 02 July 2007 is deemed a constructive refusal to cooperate. Therefore, it can be concluded with reasonable certainty that Dr. Ruberti refuses to join in the application.

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 04 February 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 July 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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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2 3 JUL 2008

Jeffrey Ruberti, Associate Professor
Dept. of Mechanical and Industrial Engineering
Northeastern University
334 Snell Engineering Center
360 Huntington Avenue
Boston, MA 02115

In re Application of RUBERTI et al
U.S. Application No.: 10/597,688
PCT Application No.: PCT/US2005/004773
Int. Filing Date: 04 February 2005
Priority Date Claimed: 04 February 2004
For: SYSTEMS AND METHODS FOR CONTROLLING AND FORMING POLYMER GELS

Dear Jeffrey Ruberti:

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

PROSKAUER ROSE LLP
1001 PENNSYLVANIA AVE, N.W.,
SUITE 400 SOUTH
WASHINGTON, DC 20004
Attorney Docket No.: 20780-0025

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GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, MAI B482
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

MAILED
JUN 02 2010
OFFICE OF PETITIONS

In re Application of :
Stanley George Bonney et al :
Application No. 10/597,692 : ON PETITION
Filed: August 3, 2006 :
Attorney Docket No. PB60733-F USW

This is a decision on the petition, filed June 1, 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 May 10, 2010 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 3763 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,709	04/05/2007	Christopher James Newton Fryer	24963-0009	5228

7590 03/17/2008
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER
SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kalethus King
Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,709	04/05/2007	Christopher James Newton Fryer	24963-0009	5228

7590 03/17/2008
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER
SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
03/17/2008	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.

Kalethis King
Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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17 DEC 2007

Barnes & Thornburg, LLP
750 17th Street, NW
Suite 900
Washington, DC 20006-4675

In re Application of	:	
POWER, et al.	:	
U.S. Application No.: 10/597,737	:	DECISION ON PETITION
PCT No.: PCT/AU05/00145	:	
Int. Filing Date: 04 February 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 05 February 2004	:	
Attorney Docket No.: 42399/45004	:	
For: METHOD AND APPARATUS FOR MANUFACTURING AN OPTICAL COMPONENT	:	

This decision is in response to applicant's "Petition Under 37 CFR 1.47(a)" filed 04 October 2007 in the United States Patent and Trademark Office (USPTO) and supplemented on 10 December 2007.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/AU05/00145, which claimed a priority date of 05 February 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 05 August 2006.

On 04 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, a First Preliminary Amendment and an Information Disclosure Statement.

On 04 April 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicants 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 04 October 2007, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the appropriate four-month extension fee. With the filing of the extension of time petition and payment of the extension fee, applicant's response is considered timely filed.

On 10 December 2007, applicant filed a supplemental petition which included a combined declaration and power of attorney executed by the two joint inventors which were the subject of the petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

A review of the papers filed 10 December 2007 finds that applicant has now provided declarations executed by all of the four inventors listed on the published international application. As such, the petition filed 04 October 2007 is moot. Applicant has presently satisfied all of the 35 U.S.C. 371 requirements for this U.S. National stage application.

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 04 February 2005 under 35 U.S.C. 363, and will be given a date of **10 December 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. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

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Patent Docket Department
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 07/15/2010

Applicant	: Dean James Patterson	: DECISION ON REQUEST FOR
Patent Number	: 7654123	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/597,758	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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RUTAN & TUCKER, LLP.
611 ANTON BOULEVARD, SUITE 1400
COSTA MESA, CA 92626

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of
Edward **ZHENG**
Application No. 10/597,812
Filed: May 15, 2008
Attorney Docket No. **100697.0025US**

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 November 3, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Rutan & Tucker, LLP has been revoked by the applicant of the patent application on September 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ROBERT D. FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET, SUITE 1000
IRVINE, CA 92614-6232

UNITED STATES PATENT AND TRADEMARK OFFICE

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10 APR 2007

DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY AB T2M 0S7 CANADA

In re Application of DECORTE et al. Application No.: 10/597,832 PCT No.: PCT/EP05/50028 Int. Filing Date: 05 January 2005 Priority Date: 05 January 2004 Attorney Docket No.: AP108-06 For: BEHAVIOR BASED MULTI-AGENT SYSTEMS AS DATA TYPES	DECISION ON 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'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

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

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David A. Guerra
International Patent Group, LLC
2025 17th Avenue, N.W.
Calgary, AB T2M 0S7
Canada

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Stefaan Decorte et al.	:	
Application No. 10/597,832	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO WITHDRAW
Attorney Docket No. AP108-06	:	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 17, 2007.

The request is **APPROVED**.

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

The request was signed by David A. Guerra 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 Stefaan Decorte 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: **Stefaan Decorte**
Vogelheide, 28
Brussells, B-9052
Belgium

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/597,832	08/09/2006	Stefaan Decorte	AP108-06

CONFIRMATION NO. 6808

POWER OF ATTORNEY NOTICE

OC000000029572591

29689
DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY, AB T2M 0S7
CANADA

Date Mailed: 04/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 7/15/09

TO SPE OF : ART UNIT 2862

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/597838 Patent No.: 7535220 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 (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

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: _____

/Patrick J. Assouad/ — **SPE**

2858 — **Art Unit**

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20 JUN 2007

EGBERT LAW OFFICE
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of	:	DECISION ON
MATEU CLIMENT, Salvador	:	
Application No.: 10/597,891	:	
PCT No.: PCT/ES2004/000056	:	
Int. Filing Date: 10 February 2004	:	PETITION UNDER
Priority Date: 10 February 2003	:	
Attorney's Docket No.: 1629-4	:	
For: STRUCTURAL ARRANGEMENT...	:	
AND GAS EVACUATION	:	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 C.F.R. 1.137(b)," filed on 10 August 2006.

BACKGROUND

On 10 February 2004, this international application was filed, claiming an earliest priority date of 10 February 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 10 August 2005. This international application became abandoned with respect to the United States at midnight on 10 August 2005 for failure to pay the required basic national fee.

On 10 August 2006, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

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

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

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AUG 1 8 2008

In re Application of	:	
MAKIMURA, et al.	:	
Application No. 10/597,895	:	DECISION ON PETITION
Filed: October 6, 2006	:	TO WITHDRAW
Attorney Docket No. MITPA14.001APC	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 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 Daniel E. Altman 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 as it 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: MAKIMURA TETSUYA
126-203, NAMIKI 2-CHOME
TSUKUBA-SHI, IBARAKI, JP 305-0044

cc: K.A. PATENTS
8806 CAMBRIDGE AVENUE, APT 1003
KANSASS CITY, MO 64138

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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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12 JAN 2007

LAW OFFICE OF THOMAS M. ISAACSON, LLC
10415 SOUTHERN MARYLAND BLVD.
DUNKIRK, MD 20754

In re Application of JACKSON	:	
U.S. Application No.: 10/597,898	:	
PCT Application No.: PCT/US2005/021427	:	
Int. Filing Date: 17 June 2005	:	
Priority Date Claimed: 18 June 2004	:	COMMUNICATION
Attorney Docket No.: 010-0011-US	:	
For: SYSTEM AND METHOD FOR PROVIDING	:	
ADVANCED RESERVATIONS IN A	:	
COMPUTE ENVIRONMENT	:	

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

BACKGROUND

On 17 June 2005, applicant filed international application PCT/US2005/021427, which claimed priority of an earlier United States application filed 18 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 18 December 2006.

On 11 August 2006, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an application data sheet (ADS).

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 the Transmittal Letter filed 11 August 2006 identified the application as a national stage application being filed under 35 U.S.C. 371, the concurrent submission of the ADS which identified the present application as a continuation of international application PCT/US2005/021427 is 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." Moreover, it is not possible under 35 U.S.C. 371 to file a national stage entry of an international application which is a continuation of the same international application. However, it is permissible to file a continuation of one or more international applications under 35 U.S.C. 111(a). Because the 11 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

This application is being forwarded to the Office of Initial Patent Examination for further processing in accordance with this decision, including treatment of the application as a continuation application filed under 35 U.S.C. 111(a).

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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Commissioner for Patents
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General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton CT 06484

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MAR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Nicholas R. Blandford, et al.	:	
Application No. 10/597,925	:	DECISION ON PETITION
Filed: September 13, 2006	:	
Attorney Docket No. 148761	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 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, October 21, 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 January 22, 2009. The Notice of Abandonment was mailed May 7, 2009.

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

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

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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STIENNON & STIENNON
612 W. MAIN ST., SUITE 201
P.O. BOX 1667
MADISON, WI 53701-1667

Mail Date: 04/21/2010

Applicant	: Kari Raisanen	: DECISION ON REQUEST FOR
Patent Number	: 7608165	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,940	: 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 **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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ALCATEL LUCENT
INTELLECTUAL PROPERTY & STANDARDS
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

Mail Date: 04/21/2010

Applicant	: Jianming Xu	: DECISION ON REQUEST FOR
Patent Number	: 7577090	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/597,950	: 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 **11** 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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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Franz, et al. :
Application No. 10/597,958 : ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. DANZ-4

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 25, 2009.

The petition is **granted**.

This application was held abandoned January 8, 2009, after no reply was received to the non-final Office action mailed October 7, 2008. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on January 8, 2009. Petitioner maintains that the notice of October 7, 2008, was never received.

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 will be withdrawn, accordingly.

The application file is being forwarded to Technology Center 2400, GAU 2457 for further processing that will include remailing 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

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APR 21 2009

OFFICE OF PETITIONS

Fox Rothschild, LLP
2000 Market Street
Philadelphia, PA 19103

In re Application of	:	
Florence Henry et al.	:	
Application No. 10/597,964	:	DECISION ON PETITION
Filed: January 16, 2007	:	
Attorney Docket No. C 2925 PCT/US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed May 21, 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 August 22, 2008. A Notice of Abandonment was mailed on December 30, 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 after non-final, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business on the reply received March 30, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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18 SEP 2007

Brooks Kushman P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075

In re Application of
COHAN et al.
Application No.: 10/598,002
PCT No.: PCT/US03/33250
Int. Filing Date: 20 October 2003
Priority Date: 18 October 2002
Attorney Docket No.: COHA0104PUSA
For: APPARATUS AND METHOD FOR SELF-MEASUREMENT OF INTRAOCULAR PRESSURE

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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Anthony Smith

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,006	08/15/2006	Shunsuke Kakisaka	10873.1935USWO	9023

53148 7590 06/18/2008
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

EXAMINER
RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
06/18/2008	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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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

In re Application of
Shunsuke KAKISHIDA, et al.

Application No.: 10/598,006
Filed: 08/15/2006
Attorney Docket No.: 10873.1935USWO

For: METAL HALIDE LAMP AND LIGHTING APPARATUS USING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 June 5, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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).

* * * * * * *

Conditions (2) to (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1) above.

Regarding the requirement of condition (1), the instant application is filed under 35 USC 111(a), which validly claims priority under 35 USC 371 to a PCT application (PCT/JP 2005/10268), which PCT application validly claims priority under 35 USC 365(b) to one or more applications filed in the JPO (JP 2004-190698). However, the since the JP national application containing the allowable/patentable claims (JP 2006-519583) is a JP application other than the priority application, applicant must indicate how the JP national application with the allowable /patentable claims is related to the JP priority application. See "Revised Requirements for Requesting Participation in the Patent Prosecution Highway pilot Program in the USPTO," dated May 17, 2007, next to last paragraph.

A proper response in this case must include:

(a) an explanation how the JP national application (JP 2006-519583) with the allowable/patentable claims is related to the JP priority application (JP 2004-190698).

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO" filed June 5, 2008 is **DISMISSED** without prejudice.

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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652 .

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,006	08/15/2006	Shunsuke Kakisaka	10873.1935USWO	9023

53148 7590 07/14/2008
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

EXAMINER
RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
07/14/2008	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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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

In re Application of
Shunsuke KAKISHIDA, et al.

Application No.: 10/598,006
Filed: 08/15/2006
Attorney Docket No.: 10873.1935USWO

For: METAL HALIDE LAMP AND LIGHTING APPARATUS USING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 June 5, 2008, and request for reconsideration, filed July 9, 2008, to make the above-identified application special.

The request and petition are **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 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. 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.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
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MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of
Davies
Application No. 10/598,020
Filed: UGUST 16, 2006
Attorney Docket No. 14299-2015

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 June 23, 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 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2475 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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0 1 OCT 2008

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Heslin Rothenberg Farley & Mesiti PC
5 Columbia Circle
Albany, NY 12203

In re Application of	:	
STATHAM et al.	:	
U.S. Application No.: 10/598,046	:	
PCT No.: PCT/GB05/00554	:	
Int. Filing Date: 16 February 2005	:	DECISION ON PETITION
Priority Date: 17 February 2004	:	(37 CFR 1.182)
Attorney Docket No.: 1324.048	:	
For: SEALING OF PIPE TO SUMP INTERFACES	:	

This decision is issued in response to applicants' "Petition for Acceptance of An Unintentionally Delayed Foreign Priority Claim Pursuant to 37 CFR 1.55(e)" filed 16 April 2008. The petition, treated herein under 37 CFR 1.182, seeks to correct the international application number on the national stage application papers filed 16 August 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/GB05/00554. The $400 petition fee has been charged to counsel's Deposit Account no. 08-1935. (The petition fee submitted under 37 CFR 1.17(t) has been refunded to counsel's Deposit Account.)

BACKGROUND

On 16 February 2005, applicants filed international application PCT/GB05/00554, which claimed a priority date of 17 February 2004. 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, 17 August 2006.

On 16 August 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 10/598,046.

The materials filed 16 August 2006 included a copy of the international application that identified the application as a U.S. national stage of PCT/GB05/00554, filed 16 February 2006. (The submission also included an application data, preliminary amendment, and unexecuted declaration which identified the international application as PCT/GB05/99554.) The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/GB05/99554. Thus,

applicants' 16 August 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/GB05/00554 and PCT/GB05/99554.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/GB05/99554, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 25 March 2008, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/GB05/99554 (the filing receipt also listed the application as a national stage of PCT/GB05/99554).

On 16 April 2008, applicant filed the present petition.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 16 August 2006 can be treated as having been directed to international application PCT/GB05/00554, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 16 April 2008, applicants confirm that the listing of international application PCT/GB05/99554 set forth in the bibliographical data (and other documents) provided by applicant was the result of a typographical error, and that the correct international application is PCT/GB05/00554. It is noted that the correct international application number was listed on the copy of the international application filed 16 August 2006, and it is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/GB05/00554. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 16 August 2006 and to permit such materials to be treated as having been directed to international application PCT/GB05/00554.

The petition to treat the present application as a national stage of PCT/GB05/00554 is granted. The Notification Of Acceptance and filing receipt mailed 25 March 2008 (both of which indicate that the application is a national stage of PCT/GB05/99554), are appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The Notification Of Acceptance and filing receipt mailed 25 March 2008 are hereby VACATED based on their identification of the present application as a national stage of PCT/GB05/99554.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/GB05/00554; and (2) issuing a corrected Notification Of Acceptance and (3) issuing a corrected filing receipt which properly identify the application as a national stage of PCT/GB05/00554 and include the proper priority information.

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

2 8 MAR 2007

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412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of	:
MIURA, GILBERT	: DECISION ON
Application No.: 10/598,050	:
PCT No.: PCT/FR04/02887	: PETITION
Int. Filing Date: 09 November 2004	:
Attorney's Docket No.: 1512-94	: UNDER 37 CFR 1.137(b)
For: EXERCISING APPARATUS	:

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 filed on 11 August 2006 the required petition fee, the basic national fee, the national stage search and examination fees, an English translation of the application, a preliminary amendment and, a copy of the declaration filed with the international application, PCT/FR04/02887, under PCT Rule 4.17(iv).

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
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Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

2 3 JUN 2008

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MEADWESTVACO CORPORATION
1021 MAIN CAMPUS DRIVE
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RALEIGH NC 27606

In re Application of	:	
Blin	:	
Application No.: 10/598,096	:	
PCT No.: PCT/US2005/005147	:	
Int. Filing Date: 17 February 2005	:	DECISION
Priority Date: 17 February 2004	:	
Attorney Docket No.: D-17054	:	
For: Carton For Multiple Articles	:	

The petition to revive under 37 CFR 1.137(b) filed on 01 May 2008 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 an executed declaration, 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.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **01 May 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,098	08/17/2006	Takeshi Yamamoto	70404.106/ha	1025

54072 7590 02/25/2010
SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER
RUSHING, MARK S

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
02/25/2010	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):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com
pmedley@kbiplaw.com

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C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of YAMAMOTO, TAKESHI et al. Application No. 10/598,098 Filed: August 17, 2006 Attorney Docket No. **70404.106/ha**	:	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 June 19, 2009, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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 are dismissed as moot as the examination of the above-identified application has begun. An Office Action was mailed on November 13, 2009, and a Response to the Office Action was received on February 23, 2010.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

DTO

1 0 DEC 2007

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EDWIN D. SCHINDLER
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CORAM, NY 11727-0966

In re Application of Robert Victor Jones Application No.: 10/598,111 PCT Application No.: PCT/AU05/00221 Int. Filing Date: 18 February 2005 Priority Date: 19 February 2004 Atty Docket No.: -None- For: CAMERA SYSTEM	DECISION UNDER 37 CFR 1.137 (b)

This communication is issued in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 26 November 2007.

BACKGROUND

On 18 February 2005, applicant filed international application PCT/AU05/00221 which claimed priority to an earlier application filed 19 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 August 2006.

On 17 August 2006, applicant filed a transmittal letter for entry into national state in the United States, which was accompanied by, *inter alia*, the requisite basic national fee.

On 04 April 2007, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 26 November 2007, applicant filed a response to the Notification of Missing Requirements including, a properly executed declaration, a petition under 37 CFR 1.37(b), petition fee ($770), and the surcharge fee for late filing of the oath or declaration ($65).

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.

With respect to Item (2) Petitioner has provided the required petition fee. With respect to item (3) Petitioner has provided the proper statement under 137(b)(3). With respect to Item (4), no terminal disclaimer is required for this application.

With regards to Item (1), a review of the application file reveals that the required reply, properly executed declaration, in compliance with 37 CFE 1.497 (d), was not provided. The oath or declaration names an inventive entity different than that set forth in the International Application. Only Robert Victor Jones is indicated as an inventor in The International Application. However, the oath provided by Applicant on 11/26/07 included Gianni Caldarera as a joint inventor.

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 11/26/07 is DISMISSED WITHOUT PREJUDICE. The application remains ABANDONED.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box

1450, Alexandria, VA 22313-1450, with the content of the letter marked to the attention of the PCT Legal Office.

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

Nini F. Legesse
PCT Legal Examiner
Telephone: (571) 272-4300
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3 1 MAR 2008

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In re Application of:	:	
Robert Victor JONES	:	DECISION ON PETITION
Application No.: 10/598,111	:	UNDER 37 CFR 1.137(b)
PCT Application No.: PCT/AU2005/00221	:	
Int. Filing Date: 15 February 2005	:	
Priority Date: 19 February 2004	:	
Attorney's Docket No.: -None-	:	
For: CAMERA SYSTEM	:	

This is in response to the "Renewed Petition Under 37 C.F.R. §1.137(b)," filed 06 February 2008.

BACKGROUND

On 10 December 2007, a Decision dismissing applicant's petition under 37 CFR 1.137(b) was mailed. The Decision indicated that petitioner failed to provide the required reply required under 37 CFR 1.137(b). Specifically, petitioner failed to provide a properly executed declaration in compliance with 37 CFR 1.497(d), as the inventorship identified on the declaration does not correspond with the inventorship identified in the international phase of the international application.

On 06 February 2008, the present renewed petition under 37 CFR 1.137(b) was filed, accompanied by a "Statutory Declaration".

DISCUSSION

Pursuant to 37 CFR 1.137(b), a petition to revive the present application based upon unintentional abandonment must include: (1) the proper reply, unless previously filed; (2) the petition fee under 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 respect to item (1), petitioner still has not provided the required reply. As indicated in the prior decision, correction of inventorship is by way of compliance with the provisions of 37 CFR 1.497(d). The "Statutory Declaration" submitted with the renewed petition does not comply with the provisions of 37 CFR 1.497(d) for correcting inventorship. A statement from the inventor to be added is required. See 37 CFR 1.497(d)(1). In addition, if there is an assignee, written consent for the correction from the assignee is required. See 37 CFR

1.497(d)(3). The processing fee required under 37 CFR 1.497(d)(2) will be charged to counsel's deposit account 19-0450, as authorized in the communication filed 26 November 2007.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper reply in the present case would be a renewed petition under 37 CFR 1.137(b) accompanied by a proper request under 37 CFR 1.497(d) to correct inventorship. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Boris Milef
Senior PCT Legal Examiner
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Facsimile: (571) 273-0459

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2 6 JAN 2009

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In re Application of:	:	
Robert Victor JONES	:	DECISION ON PETITION
Application No.: 10/598,111	:	UNDER 37 CFR 1.137(b) and
PCT Application No.: PCT/AU2005/00221	:	REQUEST UNDER 37 CFR
Int. Filing Date: 15 February 2005	:	1.497(d)
Priority Date: 19 February 2004	:	
Attorney's Docket No.: -None-	:	
For: CAMERA SYSTEM	:	

This is in response to the "Renewed Petition Under 37 C.F.R. §1.137(b)," filed 30 September 2008.

BACKGROUND

On 10 December 2007, a Decision dismissing applicant's petition under 37 CFR 1.137(b) was mailed. The Decision indicated that petitioner failed to provide the required reply required under 37 CFR 1.137(b). Specifically, petitioner failed to provide a properly executed declaration in compliance with 37 CFR 1.497(d), as the inventorship identified on the declaration does not correspond with the inventorship identified in the international phase of the international application.

On 06 February 2008, applicant filed a renewed petition under 37 CFR 1.137(b) accompanied by a "Statutory Declaration".

On 31 March 2008, a Decision was mailed dismissing the renewed petition on the basis that the requirements under 37 CFR 1.497(d) to correct inventorship have not been complied with and, consequently, the renewed petition failed to include the required reply necessary to revive the instant application.

On 30 September 2008, applicant filed the present renewed petition considered herein accompanied by a Statement by Added Inventor and an executed declaration under 37 CFR 1.63.

DISCUSSION

Pursuant to 37 CFR 1.137(b), a petition to revive the present application based upon unintentional abandonment must include: (1) the proper reply, unless previously filed; (2) the petition fee under 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).

Items (2)-(4) were previously satisfied. See Decision mailed 10 December 2007.

With respect to item (1), petitioner has not provided the required reply. As indicated in the prior decision, correction of inventorship is by way of compliance with the provisions of 37 CFR 1.497(d), which states:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 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 respect to (1), the renewed petition includes the required statement by the added inventor, Gianni Caldarera. With respect to (2), the processing fee has previously been paid. With respect to (3), petitioner states that there is no assignee from whom consent pursuant to 37 CFR 1.497(d)(3) would be required. With respect to (4), a new oath or declaration is not required under paragraph (f).

However, the declaration filed with the renewed petition, as well as the declaration filed 26 November 2007, contain non-initialed/non-dated alterations, and accordingly, can not be accepted. See MPEP 605.04(a):

> 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 require a new oath or declaration if the alterations are not initialed and dated.

It also appears that the citizenship and first name of the second inventor indicated on the later submitted declaration are in error.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b), and the request to correct inventorship under 37 CFR 1.497(d) are **DISMISSED**, without prejudice.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required. Extensions of time under 37 CFR 1.136(a) are permitted.

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.

/Boris Milef/
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In re Application of	:
Robert Victor Jones	: DECISION ON
US Application No.: 10/598,111	:
PCT Application No.: PCT/AU2005/00221	:
Int. Filing Date: 15 February 2005	: PETITION UNDER
Priority Date: 19 February 2004	:
Attorney's File Reference: -None-	:
For: Camera System	: 37 CFR 1.137 (b)
	:

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.137(b)," filed on 16 April 2009.

BACKGROUND

On 10 December 2007, a Decision dismissing applicant's petition under 37 CFR 1.137(b) was mailed. The Decision indicated that petitioner failed to provide the required reply required under 37 CFR 1.137(b). Specifically, petitioner failed to provide a properly executed declaration in compliance with 37 CFR 1.497(d), as the inventorship identified on the declaration does not correspond with the inventorship identified in the international phase of the international application.

On 06 February 2008, applicant filed a renewed petition under 37 CFR 1.137(b) accompanied by a "Statutory Declaration".

On 31 March 2008, a Decision was mailed dismissing the renewed petition on the basis that the requirements under 37 CFR 1.497(d) to correct inventorship have not been complied with and, consequently, the renewed petition failed to include the required reply necessary to revive the instant application.

On 30 September 2008, applicant filed the renewed petition accompanied by a Statement by Added Inventor and an executed declaration under 37 CFR 1.63.

On 26 January 2009, a Decision mailed dismissing the renewed petition on the basis that the requirement under 37 CFR 1.497(d) correct inventorship have not been

complied with and, consequently, the renewed petition failed to include the required reply necessary to revive the instant application.

On 16 April 2009, applicant filed the present renewed petition considered herein accompanied by an executed declaration under 37 CFR 1.63.

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 oath and declaration satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). An appropriate statement under 37 CFR 1.137(b)(3) has been provided. A terminal disclaimer is not required because the application was filed after 08 June 1995, which satisfies the requirements of 37 CFR 1.137 (b)(4). Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied. The submission of an acceptable declaration also satisfies the requirements of 37 CFR 1.497(d) for correction of inventorship in the application.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) and the request to add Gianni Caldiarera as an inventor are **GRANTED**.

The application has an international filing date of 15 February 2005 under 35 U.S.C. 363 and a date of 16 April 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 in accordance with this decision.

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal

Peng Ke
PCT Legal Administration Detailee
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Administration
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ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

Mail Date: 04/21/2010

Applicant	: Margaret Anne Butlin	: DECISION ON REQUEST FOR
Patent Number	: 7626020	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,116	: 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 **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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C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELLE DRIVE
SUITE 200
RESTON, VA 20191

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OFFICE OF PETITIONS

In re Application of	:	
Hojo, Yoshiyuki	:	
Application No. 10/598,133	:	ON PETITION
Filed: April 11, 2007	:	
Attorney Docket No. 40404.57/KO	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center 2838 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Kangas	:	
Application No. 10/598,148	:	DECISION ON PETITION
Filed: August 18, 2006	:	
Attorney Docket No. P19265-US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2008, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned June 18, 2008 to submit corrected formal drawings as required by the Notice of Allowability (Notice) mailed March 17, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed July 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the corrected formal drawings, (2) the required petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Publishing Division for further processing.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

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In re	:	
Patent No. 7,369,331 B2	:	DECISION ON PETITION
Issued: May 6, 2008	:	
Application No. 10/598,150	:	
Filed: July 2, 2007	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 FOR A DUPLICATE PATENT GRANT", filed July 29, 2008, and the petition to expedite, filed July 31, 2008.

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

The petition to expedite is **GRANTED.**

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703)308-9250, extension 129.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Niomi Farmer, P/OPPD (FAX 571-270-9937)

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606-1080

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JUL 19 2010
OFFICE OF PETITIONS

In re Application of
Ofer Wald et al.
Application No. 10/598,161
Filed: July 23, 2008
Attorney Docket No. 40000005-0201-002

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 10, 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 July 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 21, 2009. A Notice of Abandonment was mailed on February 12, 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 $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 2458 for appropriate action by the Examiner in the normal course of business on the reply received June 10, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Oren Reches
211 North Union Street, Suite 100
Alexandria, VA 22314

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2 1 MAR 2008

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

In re Application of	:	
BUTLIN et al.	:	
Serial No.: 10/598,163	:	DECISION ON
PCT No.: PCT/GB05/00627	:	
Int. Filing Date: 21 February 2005	:	SUBMISSION
Priority Date: 19 February 2004	:	
Attorney's Docket No.: 051038	:	
For: RENDERING A USER INTERFACE	:	

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 01 November 2007 in the United States Patent and Trademark Office (USPTO). Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 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) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 June 2007, in response to the Notification of Missing Requirements, applicant filed a declaration executed by three of the four joint inventors.

On 27 August 2007, a Notification of Defective Response was mailed to applicant indicating that declaration did not comply with 37 CFR 1.497(a) and (b) because "the fourth inventor was added without documentation". A new declaration was required. Applicant was given one month from the date of the Notification within which to reply or the time remaining in the Notification of Missing Requirements.

On 01 November 2007, applicant filed a new declaration, identifying the four joint inventors as listed on the international application.

DISCUSSION

The Notification of Defective Response incorrectly indicated the defect in the declaration was that "the fourth inventor was added without documentation". In fact, the fourth inventor identified in the international application was not listed on the executed declaration. Therefore

the Notification of Defective Response is hereby **VACATED**.

MPEP 201.03 states, in pertinent part, :

> an oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

The declaration submitted on 01 November 2007 is a two page declaration. The declaration as submitted is comprised of three pages: one page marked "Page 1" and two pages marked "Page 2". 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." The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

The 27 August 2007 Notification of Defective Response is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing, including reissuance of a Notification of Defective Response indicating that the declaration filed on 01 November 2007 is not compliance with 37 CFR 1.497(a) and (b) and is unacceptable for the reasons set forth above.

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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1 7 APR 2008

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of	:	
BROEKSTEEG, Gerardus Henricus	:	
Application No.: 10/598,192	:	
PCT No.: PCT/IB2005/050069	:	
Int. Filing Date: 06 January 2005	:	DECISION ON PETITION
Priority Date: 08 January 2004	:	
Attorney Docket No.: US040233	:	
For: MARKING PROGRAM BOUNDARIES IN A PERSONAL VIDEO RECORDING DEVICE		

This decision is issued in response to applicant's "Petition for Revival of an (International) Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 12 August 2006.

BACKGROUND

On 06 January 2005, applicant filed international application PCT/IB2005/050069 which claimed a priority date of 08 January 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 08 July 2006.

On 12 August 2006, applicant electronically filed a request to enter the national stage in the United States for international application PCT/IB2005/050069, which included, among other materials: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; an executed declaration; and a petition to revive international application no. PCT/IB2004/050069.

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). As discussed below, applicant here has failed to satisfy items (1) and (3).

As to Item (1) above, the "required reply" here is: a request for entry into the U.S. national stage for the specified international application; the payment of the basic national fee; and a petition to revive under 37 CFR 1.137. The papers submitted on 12 August 2006 includes a request for entry into the U.S. national stage for international application number PCT/IB2005/050069, and it included payment of the basic national fee. However, the petition to revive identified the international application as PCT/**IB2004**/050069. Because of the inconsistency between the international application numbers, it is not clear whether the present submission is requesting entry into the U.S. national stage for PCT/IB2004/050069 or PCT/IB2005/050069. Applicant must provide a corrected petition that makes clear the application for which national stage entry is desired.

Item (3) has not been satisfied. Petitioner states that "the above-identified application became abandoned for failure to file a timely and proper rely to a notice or action by the United States Patent and Trademark Office." The caption of the petition to revive lists the international application number as PCT/IB2004/050069. Hence, it appears that petitioner is attempting to revive PCT/IB2004/050069, not PCT/IB2005/050069. Due to the disparity, the request for revival (and the statement of unintentional delay contained therein) cannot be accepted. A corrected petition form is required that makes clear the application that petitioner is seeking to revive and the application to which the statement of unintentional delay is directed.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to satisfy items (1) and (3) of a grantable petition discussed above, that is, a corrected petition form which clearly identifies the international application for which revival is desired and the application to which the statement of unintentional delay is directed. 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.

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

2 3 JUN 2008

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Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of
BROEKSTEEG, Gerardus Henricus
Application No.: 10/598,192
PCT No.: PCT/IB2005/050069
Int. Filing Date: 06 January 2005
Priority Date: 08 January 2004
Attorney Docket No.: US040233
For: MARKING PROGRAM BOUNDARIES IN A PERSONAL VIDEO RECORDING DEVICE

DECISION ON PETITION

The renewed petition to revive under 37 CFR 1.137(b) filed 16 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted 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.

The $1540 petition fee submitted with the renewed petition will be refunded to Deposit Account No. 14-1270.

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

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

08 SEP 2006

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

In re Application of BROEKSTEEG	:	
U.S. Application No.: 10/598,208	:	
PCT Application No.: PCT/IB05/50070	:	DECISION
Int. Filing Date: 06 January 2005	:	
Priority Date Claimed: 08 January 2004	:	
Attorney Docket No.: US040350US	:	
For: GRAPHICAL REPRESENTATION OF PROGRAMS STORED IN A PERSONAL VIDEO RECORDING DEVICE	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 August 2006.

BACKGROUND

On 06 January 2005, applicant filed international application PCT/IB05/50070, which claimed priority of an earlier European Patent Office application filed 08 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 08 July 2006.

International application PCT/IB05/50070 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 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 06 January 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 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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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Paul A. Stucky	: DECISION ON REQUEST FOR
Patent Number	: 7653506	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,220	: 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 **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 8 NOV 2007

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Foley and Lardner, LLP
Suite 500
3000 K Street NW
Washington, D.C. 20007

In re Application of :
CLARKE et al. :
U.S. Application No. 10/598,252 : DECISION ON PETITION
PCT No.: PCT/US05/05915 :
Int. Filing Date: 23 February 2005 :
Priority Date: 23 February 2004 :
Attorney Docket No.: 044170-0340 :
For: METHOD AND APPARATUS FOR FOLDING AN AIR BAG FOR STOWING IN AN AIR BAG MODULE :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 02 November 2007 to accept the application without the signature of joint-inventor, Humberto Hernandez and Andres Rojero.

BACKGROUND

On 23 February 2005, applicants filed international application PCT/US05/05915 which claimed a priority date of 23 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, 23 August 2006.

On 22 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); an application data sheet; and a copy of the international application.

On 03 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 02 November 2007, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (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 have submitted the appropriate petition fee. Item (1) is therefore satisfied.

As to item (2), section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> 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. Humberto Hernandez

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 Humberto Hernandez. The declaration of Deanna Mejia states that a package was mailed, via FedEx, to Humberto Hernandez on July 9, 2007. Delivery confirmation has been provided. However, it is unclear from the present petition and accompanying documents whether Humberto Hernandez has been presented with a complete copy of the application papers as required. The mailing of the declaration and power of attorney are 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, and drawings) were sent to Humberto Hernandez, 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.

b. Andres Rojero

It appears that petitioner is asserting that Andres Rojero cannot be found or reached after diligent effort. A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Andres Rojero. The declaration of Deanna Mejia states that a package was mailed, via FedEx, to Andres Rojero on July 9, 2007. The FedEx tracking report indicates that the package was "undeliverable." However, the declaration fails to include evidence of any other attempts made to locate the nonsigning inventor. The single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Andres Rojero.

Regarding item (3), applicants have provided the last known address of the nonsigning inventors (Humberto Hernandez and Andres Rojero). Accordingly, item (3) is therefore satisfied.

As to item (4), an oath or declaration by each 37 CFR 1.47(a) applicant on his or her

own behalf and behalf of the nonsigning joint inventor has been included with the present petition. However, the declaration filed 02 November 2007 is not acceptable under 37 CFR 1.497. Specifically, the declaration is executed by James GARVIN, whereas the international application lists the inventor as James GAVIN. As stated MPEP 201.03,

> "a request under 37 CFR 1.48 will not be required: (B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required."

Applicants have not provided an explanation of the typographical or transliteration error of the name of the fifth inventor. Further, the declaration executed James Garvin includes an alteration to his name. (See MPEP §605.04(a) and 37 CFR 1.52(c)) Any changes made in ink in the application or oath prior to signing should be initiated and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or non-dated alteration were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). Therefore, a newly executed declaration by James Garvin is required.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Humberto Hernandez and Andres Rojero 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

Refund Ref: 11/08/2007 0030046811
Refund Total: $620.00

11/08/2007 SBASHEIR 00000002 10598252
01 FC:1617 130.00 OP
02 FC:1463 200.00 OP
03 FC:1255 2230.00 OP

2 9 JAN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Foley and Lardner, LLP
Suite 500
3000 K Street NW
Washington, D.C. 20007

In re Application of	:	
CLARKE et al.	:	
U.S. Application No. 10/598,252	:	
PCT No.: PCT/US05/05915	:	
Int. Filing Date: 23 February 2005	:	DECISION ON PETITION
Priority Date: 23 February 2004	:	
Attorney Docket No.: 044170-0340	:	
For: METHOD AND APPARATUS FOR FOLDING AN AIR BAG FOR STOWING IN AN AIR BAG MODULE	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 07 January 2008. Additionally, this decision is issued in response to applicants' "Supplemental Renewed Petition under 37 CFR 1.47(a)" filed 25 January 2008. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in detail in the decisions mailed herein on 08 November 2007. In the decision dated 08 November 2007, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Humberto Hernandez and Andres Rojero, was dismissed without prejudice.

On 07 January 2008, applicants filed the materials considered herein as a renewed petition.

On 25 January 2008, applicants filed "Supplemental Renewed Petition under 37 CFR 1.47(a)."

DISCUSSION

A. Renewed Petition under 37 CFR 1.47(a)

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 07 January 2008 with the present communication was executed by the named inventors, the previous non-signing inventors, Humberto Hernandez and Andres Rojero. The declaration filed 07 January 2008 is acceptable under 37 CFR 1.497.

B. Name Change/Correction

Petitioner states in the "Supplemental Renewed Petition under 37 CFR 1.47(a)" that the correct name of the third inventor is James GARVIN as indicated on the declaration rather than James Gavin as indicated on the published international application.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicants' explanation of the difference in the third inventor's name is accepted and noted for the record.

Therefore, the declaration filed on 07 January 2008 is in compliance with 37 CFR 1.497. A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

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

The declaration filed on 07 January 2008 is in compliance with 37 CFR 1.497.

The application has an international filing date of 23 February 2005 under 35 U.S.C. 363 and a date of 07 January 2008 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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

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

In re Application of	:	
Horst-Hartwig SCHWIEKER	:	
Application No. 10/598,259	:	DECISION ON PETITION
Filed: August 23, 2006	:	
Attorney Docket No. DE 040067	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 02, 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, August 08, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 09, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1,540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 08, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 2882 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DOUGLAS B. MCKNIGHT**
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OHIO 44143

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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 06/01/2010

Applicant	: Jan Just	: DECISION ON REQUEST FOR
Patent Number	: 7621584	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/598,278	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/23/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **493** 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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OFFICE OF PETITIONS

In re Application of	:	
John F. KARADONIS	:	
Application No. 10/598,288	:	DECISION ON PETITION
Filed: January 01, 2001	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **Q95844**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 06, 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 evidence submitted with the instant petition is a copy of John Karandonis's drivers license indicating that she is at least 65 years of age. Accordingly, the above-identified application will be accorded "special" status.

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

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

This 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

Monica A. Graves
Petitions Examiner
Office of Petitions

1 1 FEB 2008

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of	:	
YANG	:	
Application No.: 10/598,289	:	DECISION
PCT No.: PCT/US2005/005696	:	
Int. Filing Date: 23 February 2005	:	
Priority Date: 23 February 2004	:	
Attorney Docket No.: 5853-499-1US	:	
For: COMPOSITIONS AND METHODS FOR	:	
MAKING INSULIN-PRODUCING CELLS	:	

This decision is in response to applicant's "REQUEST FOR REFUND" filed in the United States Patent and Trademark Office (USPTO) on 26 June 2007.

BACKGROUND

On 23 February 2005, applicant filed international application PCT/US2005/005696, which designated the U.S. and claimed a priority date of 23 February 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 at midnight on 23 August 2006.

On 23 August 2006, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 indicating, *inter alia*, that 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) were required. The Notification set a TWO (2) MONTH extendable period for reply.

On 04 April 2007, the NOTIFICATION appears to have been returned to the USPTO as undeliverable.

On 24 May 2007, the NOTIFICATION was re-mailed but a new period for response was not indicated.

On 26 June 2007, applicant filed a response to the NOTIFICATION, including a declaration of the inventor, and the instant "REQUEST FOR REFUND".

DISCUSSION

A new extendable period for response of two months from 24 May 2007 should have been set in the 24 May 2007 communication. The response to the NOTIFICATION was filed within this time period. Accordingly, the one-month extension of time fee paid on 26 June 2007 will be credited to Deposit Account 50-0951.

CONCLUSION

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

/Daniel Stemmer/

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

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ACCU-BREAK TECHNOLOGIES, INC.
1000 SOUTH PINE ISLAND ROAD
SUITE 230
PLANTATION, FL 33324

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OFFICE OF PETITIONS

In re Application of	:	
SOLOMON, Lawrence et al.	:	
Application No. 10/598,306	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-034**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Allan S. Kaplan attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

This 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.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
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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1000 SOUTH PINE ISLAND ROAD
SUITE 230
PLANTATION, FL 33324

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OFFICE OF PETITIONS

In re Application of	:	
SOLOMON, Lawrence et al.	:	**CORRECTED**
Application No. 10/598,306	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-034**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 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 **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 application does not include a properly signed oath or declaration in compliance with 37 CFR 1.63. Therefore, inventorship has not been established. An executed declaration signed by all applicants/inventors is required for the consideration of the instant 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 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 the undersigned at 571-272-4231.

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

This 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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
SOLOMON, Lawrence et al.
Application No. 10/598,315
Filed: August 24, 2006
Attorney Docket No. **SLP-035**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Allan S. Kaplan attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

This 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.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
SOLOMON, Lawrence et al.	:	**CORRECTED**
Application No. 10/598,315	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-035**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 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 **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 application does not include a properly signed oath or declaration in compliance with 37 CFR 1.63. Therefore, inventorship has not been established. An executed declaration signed by all applicants/inventors is required for the consideration of the instant 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 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 the undersigned at 571-272-4231.

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

This 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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
SOLOMON, Lawrence et al.	:	
Application No. 10/598,315	:	DECISION ON PETITION
Filed: April 08, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-035**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 03, 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 statement by Allan S. Kaplan attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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27 APR 2007

Matthias Scholl
14781 Memorial Drive, Suite 1319
Houston, TX 77079

In re Application of	:	
LIU, et al.	:	
Application No.: 10/598,317	:	
PCT No.: PCT/CN04/00983	:	DECISION ON PETITION
Int. Filing Date: 25 August 2004	:	
Priority Date: 25 August 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: BJZY-00101-NUS	:	
For: A SINGLE LAYER OVERHEAD FULL	:	
INTERCHANGE FLYOVER	:	

The petition to revive under 37 CFR 1.137(b) filed 24 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 25 August 2004 under 35 U.S.C. 363 and will be given a date of **24 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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ACCU-BREAK TECHNOLOGIES, INC.
1000 SOUTH PINE ISLAND ROAD
SUITE 230
PLANTATION, FL 33324

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In re Application of	:	
SOLOMON, Lawrence et al.	:	
Application No. 10/598,344	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-036**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 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 **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 application does not include a properly signed oath or declaration in compliance with 37 CFR 1.63. Therefore, inventorship has not been established. An executed declaration signed by all applicants/inventors is required for the consideration of the instant 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
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Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

This 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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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ACCU-BREAK TECHNOLOGIES, INC.
1000 SOUTH PINE ISLAND ROAD
SUITE 230
PLANTATION, FL 33324

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OFFICE OF PETITIONS

In re Application of	:	
SOLOMON, Lawrence	:	
Application No. 10/598,344	:	DECISION ON PETITION
Filed: August 24, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-036**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed March 20, 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 statement by Alan S. Kaplan attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

This 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.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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LAW OFFICES OF LARRY K. ROBERTS, INC.
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IRVINE, CA 92614

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NOV 30 2007

OFFICE OF PETITIONS

In re Application of :
SOLOMON, et al. :
Application No. 10/598,355 : DECISION ON PETITION
Filed: August 24, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **SLP-054** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 31, 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 the declaration of inventor Allan S. Kaplan, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination at 571-272-4000.

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

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

1 1 MAR 2009

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CHRISTOPHER J. RECKAMP
VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.
222 N. LASALLE STRET
CHICAGO, IL 60601

In re Application of:	:	DECISION
NARESSI, Alexandre et al.	:	
Application No.: 10/598,381	:	ON
PCT No.: PCT/EP2004/005400	:	PETITION
Int. Filing Date: 25 February 2004	:	UNDER
Atty Docket No.: 33836.00.0098	:	
For: RFID ENABLED MEDIA SYSTEM AND METHOD	:	37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a) by Joint Inventor on Behalf of Non-Signing Inventor" filed 23 September 2008. The Deposit Account No. 22-0259 will be charged the required $200 petition fee.

BACKGROUND

On 25 February 2004, applicants filed international application PCT/EP2004/005400. The international application did not claim priority, 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 international filing date, i.e., 25 August 2006.

On 25 August 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, *inter alia*, payment of the basic national fee.

On 24 March 2008, 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 23 September 2008, applicant filed a response to the Notification of Missing Requirements that included payment extension of time for 4 months, payment of the required 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 Patrice FAUVET, whom applicant asserts 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 inventor on behalf of himself and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicant here has authorized a charge to Deposit Account No. 22-0259 for 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.

Applicant has filed a declaration that contains an unsigned signature block for the non-signing inventor and is executed by the other inventor of record. 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, applicant has provided supporting documents demonstrating that a request for signature, accompanied by a copy of the complete application, has been forwarded to the non-signing inventor at his last known address, that the materials were received by the inventor, and that the inventor has failed to provide the requested signature. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration. Item (4) is therefore satisfied.

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Patrice FAUVET.

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 23 September 2008.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
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Telephone: (571) 272-3285
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Patrice Fauvet
Residence Azur Eden
70 Boulevard Carnot
06400 Cannes, France

In re Application of NARESSI, Alexandre et al.
U.S. Application No.: 10/598,381
PCT No.: PCT/EP2004/005400
Int. Filing Date: 25 February 2004
For: RFID ENABLED MEDIA SYSTEM AND METHOD

Dear Patrice Fauvet

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. 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.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285
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CHRISTOPHER J. RECKAMP
VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.
222 N. LASALLE STRET
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VEDDER PRICE PC
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In re Application of:	:	
NARESSI, Alexandre, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 10/598,384	:	37 CFR 1.47(a)
PCT No.: PCT/EP2004/005398	:	
International Filing Date: 25 February 2004	:	
Priority Date: None	:	
Atty's Docket No.: 33836.00.0099	:	
For: RFID PROTECTED MEDIA SYSTEM	:	
USING COMBINATION OF RFID	:	
ENABLED OBJECTS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(A) By Joint Inventor On Behalf Of Non-Signing Inventor" filed 23 September 2008. Deposit Account No. 22-0259 will be charged the required $200 petition fee.

BACKGROUND

On 25 February 2004, applicants filed international application PCT/EP2004/005398. The international application did not claim an earlier priority date, 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., 25 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.

On 27 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and $210 in additional claims fees.

On 23 September 2008, applicants filed a response to the Notification Of Missing Requirements (with required four-month extension fee). The response included the authorization to charge Deposit Account No. 22-0259 for required fees (pursuant to which the Deposit Account will be charged the required surcharge and claims fees), 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 Patrice FAUVET, 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' petition is accompanied by a declaration executed by one of the two inventors of record containing an unsigned signature block for the non-signing inventor, Patrice FAUVET. 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, applicants have provided a firsthand statement, accompanied by supporting documents, demonstrating that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor at his last known address and that the inventor has failed to provide the requested signature in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration. Item (4) is therefore satisfied.

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Patrice FAUVET.

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 in accordance with this decision, including charging applicant for required claims fees. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 September 2008.

Richard M. Ross
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Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 OCT 2006

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Mr. Patrice FAUVET
Residence Azur Eden
70 Boulevard Carnot
06400 Cannes
FRANCE

In re Application of: NARESSI, Alexandre, et al.
U.S. Application No.: 10/598,384
PCT No.: PCT/EP2004/005398
International Filing Date: 25 February 2004
Priority Date: None
Atty's Docket No.: 33836.00.0099
For: RFID PROTECTED MEDIA SYSTEM USING COMBINATION OF RFID ENABLED OBJECTS

Dear Mr. FAUVET:

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
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Counsel Of Record:
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0 1 OCT 2008

Vedder Price PC
222 NORTH LASALLE STREET
CHICAGO IL 60601

In re Application of	:	
NARESSI, et al.	:	
PCT No.: PCT/EP04/05399	:	DECISION ON PETITION
Application No.: 10/598,387	:	
Int. Filing Date: 25 February 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Atty. Docket No.: 33836.00.0100	:	
For: RFID ENABLED MEDIA SYSTEM AND METHOD THAT PROVIDES DYNAMIC DOWNLOADABLE MEDIA CONTENT	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 23 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 February 2004, applicant filed international application PCT/EP04/05399. A copy of the international application was communicated from the International Bureau (IB) to the United States on 01 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 25 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 27 March 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 23 September 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Patrice Fauvet accompanied by a petition for a four-month extension of time. With payment of the extension of time fee the present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items 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 25 February 2004 under 35 U.S.C. 363, and will be given a date of **23 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
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Mr. Patrice Fauvet
Residence Azur Eden
70 Boulevard Carnot
06400 Cannes
FRANCE

In re Application of
NARESSI, et al.
PCT No.: PCT/EP04/05399
Application No.: 10/598,387
Int. Filing Date: 25 February 2004
Priority Date: None
Atty. Docket No.: 33836.00.0100
For: RFID ENABLED MEDIA SYSTEM AND METHOD THAT PROVIDES DYNAMIC DOWNLOADABLE MEDIA CONTENT

Dear Mr. Fauvet:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Marc A. Rossi
Rossi, Kimms & McDowell, LLP
P.O. Box 826
Ashburn, VA 20146-0826

In re Application of	:	
OHMURO, et al.	:	
Application No.: 10/598,397	:	DECISION ON PETITION
PCT No.: PCT/JP05/03007	:	
Int. Filing Date: 24 February 2005	:	UNDER 37 CFR 1.181
Priority Date: 27 February 2004	:	
Attorney Docket No.: FUJI:389	:	
For: DOPPLER TYPE ULTRASONIC FLOW METER	:	

This decision is in response to applicant's "Request For Corrected Filing Receipt" filed 17 March 2008, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application to 22 September 2006. The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 24 February 2005, applicant filed the international application, which claimed a priority date of 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 deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 27 September 2006.

On 22 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application as filed, a preliminary amendment, an application data sheet and an executed combined declaration and power of attorney.

On 07 March 2008, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating an date of completion of all 35 U.S.C. 371 requirements of 22 September 2007.

On 17 March 2008, applicant filed the petition considered herein.

DISCUSSION

Applicant has provided a copy of the USPTO Electronic Acknowledgment Receipt which lists the items detailed above and indicates an electronic filing date of 22 September 2006. This

information is also confirmed by an examination of the fee records for the present application. The evidence is sufficient to establish that all of the 35 U.S.C. 371 requirements were received in the USPTO on 22 September 2006.

CONCLUSION

For the reasons stated above, it is proper to **GRANT** applicant's petition at this time.

The application has an international filing date of 24 February 2005 under 35 U.S.C. 363 and will be given a date of **22 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed 07 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 (1) the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above and (2) issuance of a corrected filing receipt as to the errors noted on applicant's present request.

Derek A. Putonen
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EDWIN D. SCHINDLER
FIVE HIRSCH AVENUE
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CORAM, NY 11727-0966

In re Application of WATKINSON	:	
U.S. Application No.: 10/598,398	:	
PCT Application No.: PCT/GB2004/005457	:	DECISION
Int. Filing Date: 29 December 2004	:	
Priority Date Claimed: 30 December 2003	:	
Attorney Docket No.: (none)	:	
For: FORMATION OF GLASS FLAKES	:	

This is in response to applicant's "Petition to Revive Abandoned Application Under the Provisions of 37 C.F.R. § 1.137(b)" filed 26 August 2006.

BACKGROUND

On 29 December 2004, applicant filed international application PCT/GB2004/005457, which claimed priority of an earlier United Kingdom application filed 30 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 14 July 2005. the thirty-month period for paying the basic national fee in the United States expired on 30 June 2006.

International application PCT/GB2004/005457 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

On 22 December 2006, applicant filed an executed declaration.

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 entire period of delay in meeting the outstanding requirements due by the 30th-month following Applicant's priority claim for eventual entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional". This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 29 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

24 APR 2007

CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

In re Application of CHENG	:	
U.S. Application No.: 10/598,408	:	
PCT Application No.: PCT/SG2005/000014	:	
Int. Filing Date: 20 January 2005	:	DECISION
Priority Date Claimed: 26 January 2004	:	
Attorney Docket No.: 2085-04900	:	
For: COMPACT MULTI-TIERED PLATE	:	
ANTENNA ARRAYS	:	

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 August 2006.

BACKGROUND

On 20 January 2005, applicant filed international application PCT/SG2005/000014, which claimed priority of an earlier Singapore application filed 26 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 August 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 July 2006.

International application PCT/SG2005/000014 became abandoned as to the United States for failure to timely pay the basic national fee.

On 28 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.

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

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UNITED STATES DEPARTMENT OF COMMERCE
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Estrella Cabrero Gomez	: DECISION ON REQUEST FOR
Patent Number	: 7631391	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,428	: 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 **572** 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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57726
MILLER, MATTHIAS & HULL
One North Franklin Street
Suite 2350
Chicago, IL 60606

In re Application of
ZAHOUANI *et al*
U.S. Application No.: 10/598,445
PCT No.: PCT/FR2005/000526
Int. Filing Date: 04 March 2005
Priority Date: 04 March 2004
Attorney Docket No.: 28944/50045
For: TRIBOACOUSTIC PROBE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 August 2007 is hereby **GRANTED** as follows:

The basic national fee and 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 7 JUN 2010

LUNDEEN & LUNDEEN, PLLC
2710 Louisiana
HOUSTON TX 77006

In re Application of	:	
OAG	:	
U.S. Application No.: 10/598,447	:	
PCT No.: PCT/GB2005/000758	:	
Int. Filing Date: 28 February 2005	:	DECISION ON PETITION
Priority Date: 05 March 2004	:	UNDER 37 CFR 1.182
Attorney Docket No.: OPT-01	:	
For: IMPROVED NOZZLE	:	

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 20 May 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 29 March 2010, applicant was mailed a communication detailing the discrepancy between international application numbers on the transmittal letter and other filing papers such as the Application Data Sheet.

On 20 May 2010, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/GB2005/000758. An examination of the originally filed papers finds that the correct international application number was listed on the Application Data Sheet filed 30 August 2006 and entered in the EFS-Web filing system. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 30 August 2006 and to permit such materials to be treated as having been directed to international application PCT/GB2005/000758.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/GB2005/000758.

This application is being forwarded to the United States Designated/Elected Office for further processing.

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

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SMITH, GAMBRELL & RUSSELL
1230 PEACHTREE STREET NE, SUITE 3100 I
ATLANTA, GA 30309-3592

COPY MAILED
SEP 29 2008

In re Application of	:	
BODE, Hermann H.	:	
Application No. 10/598,452	:	DECISION ON PETITION TO
Filed: August 31, 2006	:	WITHDRAW FROM RECORD
Attorney Docket No. 048167.00100	:	
	:	

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 26, 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 Charles Warner 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 as it 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: HERMANN H. BODE
SCHILLERSTRABE 20
OCHTRUP, GERMANY 48607

cc: LAURENCE P. COLTON
SMITH GAMBRELL & RUSSELL
1230 PEACHTREE STREET NW, SUITE 3100
ATLANTA, GA 30309

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/21/10

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 10598463 Patent No.: 7615937

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: _____

Douglas K. Owens
SPE

2821
Art Unit

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24 APR 2007

DAVIS WRIGHT TREMAINE LLP
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES, CA 90017-2566

In re Application of YU et al	:	
U.S. Application No.: 10/598,468	:	
PCT Application No.: PCT/US2004/030607	:	DECISION
Int. Filing Date: 17 September 2004	:	
Priority Date Claimed: 06 October 2003	:	
Attorney Docket No.: 67789-566	:	
For: USE OF CXCR4 PROTEIN EXPRESSION. . .	:	

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 31 August 2006.

BACKGROUND

On 17 September 2004, applicant filed international application PCT/US2004/030607, which claimed priority of an earlier United States application filed 06 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 06 April 2006.

International application PCT/US2004/030607 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 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 17 September 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 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 Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

1 1 JUN 2007

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DAVIS WRIGHT TREMAINE LLP
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES, CA 90017-2566

In re Application of	:	
Yu et al.	:	
Application No.: 10/598,486	:	
PCT No.: PCT/US04/32669	:	
Int. Filing Date: 05 October 2004	:	DECISION
Earliest Priority Date: 06 October 2003	:	
Attorney Docket No.: 67789-567	:	
For: Use Of Cox-2 Inhibitor To Prevent T-Cell	:	
Anergy Induced By Dendritic Cell Therapy	:	

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

Review of the declaration of the inventors filed on 31 August 2006 reveals that it is acceptable under 37 CFR 1.497(a) and (b). The $65.00 small entity surcharge under 37 CFR 1.492(h) (Fee Code 2617) is being charged to Deposit Account No. 04-0258, as authorized by the Transmittal Letter filed on 31 August 2006.

This application is being forwarded to the United States Designated/Elected Office for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **31 August 2006**.

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

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38235
MEADWESTVACO CORPORATION
299 Park Avenue - 18th Floor
New York, NY 10171

In re Application of	:	
FREITAG *et al*	:	
U.S. Application No.: 10/598,505	:	
PCT No.: PCT/US2005/006871	:	
Int. Filing Date: 04 March 2005	:	
Priority Date: 05 March 2004	:	**DECISION**
Attorney Docket No.: CPG 03-56 PM US	:	
For: RECORDING MEDIUM STORAGE PACKAGE HAVING IMPROVED ROSETTE	:	

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 06 August 2008.

BACKGROUND

On 18 June 2008, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 06 August 2008, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed by two of the three joint inventors on behalf of the nonsigning inventor; a $130.00 surcharge fee; a $200.00 petition fee; a statement of facts by Ivette Reyes; and exhibits 1 - 5.

DISCUSSION

Applicants claim that co-inventor James Philippe refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

The $200.00 petition fee has been paid. Petitioners have shown that a complete

copy of the subject application was mailed to the nonsigning inventor on 12 April 2007 and received on 14 April 2007. Petitioners also provided a copy of an email dated 25 April 2007 from the nonsigning inventor which constitutes a written refusal to cooperate as contemplated by section 409.03(d)(II) of the MPEP. The last known address of the nonsigning inventor was provided. An executed declaration signed by two of the three 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).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 March 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 04 August 2008.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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James Philippe
7 Deborah Ave.
Sanford, ME 04073

In re Application of
FREITAG *et al*
U.S. Application No.: 10/598,505
PCT No.: PCT/US2005/006871
Int. Filing Date: 04 March 2005
Priority Date: 05 March 2004
Attorney Docket No.: CPG 03-56 PM US
For: RECORDING MEDIUM STORAGE PACKAGE HAVING IMPROVED ROSETTE

Mr. Philippe:

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

MEADWESTVACO CORPORATION
299 Park Avenue - 18th Floor
New York, NY 10171

2 1 APR 2008

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
PRITCHARD, Martyn et al.	:	DECISION ON
Application No.: 10/598,520	:	
PCT No.: PCT/GB2005/000800	:	PETITION UNDER
Int. Filing Date: 04 March 2005	:	
Priority Date: 05 March 2004	:	37 CFR 1.47(a)
Attorney Docket No.: 13425-200US1	:	
For: THERAPEUTIC COMPOUNDS	:	

This is in response to applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 December 2007.

BACKGROUND

On 04 March 2005, applicants filed international application PCT/GB2005/000800, claiming a priority date of 05 March 2004. The deadline for paying the basic national fee in the United States expired at midnight on 05 September 2006.

On 01 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 07 May 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 07 December 2007, applicants submitted this petition accompanied by a declaration of an inventor and a firsthand statement of facts and the fee for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (2), (3) and (4) have been satisfied. The $200 fee for this petition has been paid. Applicants have supplied evidence that the non-signing inventor was presented with a complete copy of the application papers and has not returned a signed declaration and has

expressed a refusal to sign the declaration. Applicants state that the last known address of inventor Jacqueline Ouzman as 76 Nab Wood Crescent; Shipley, Bradford; West Yorkshire BD18 4HY; United Kingdom. The declaration submitted complies with 37 CFR 1.47(a) and 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **07 December 2007**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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2 1 APR 2008

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Jacqueline Ouzman
76 Nab Wood Crescent
Shipley, Bradford
West Yorkshire BD18 4HY
United Kingdom

In re Application of
PRITCHARD, Martyn et al.
Application No.: 10/598,520
PCT No.: PCT/GB2005/000800
Int. Filing Date: 04 March 2005
Priority Date: 05 March 2004
Attorney Docket No.: 13425-200US1
For: THERAPEUTIC COMPOUNDS

Dear Ms. Ouzman:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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TYCO HEALTHCARE - EDWARD S. JARMOLOWICZ
15 HAMPSHIRE STREET
MANSFIELD, MA 02048

Mail Date: 04/21/2010

Applicant	: Kazuhiro Abe	: DECISION ON REQUEST FOR
Patent Number	: 7625386	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,561	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

2 5 MAY 2007

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ALEXANDRIA, VA 22313-1450
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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

In re Application of	:	DECISION ON
Jorg Hinrich Fechner	:	
Application No.: 10/598,591	:	
PCT No.: PCT/EP04/10923	:	
Int. Filing Date: 30 September 2004	:	PETITION UNDER
Priority Date: 30 September 2003	:	
Attorney's Docket No.: SAW0034	:	
For: ANTIMICROBIAL GLASS SURFACES OF	:	
GLASS POWDERS	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 05 September 2006. The petition fee of $1500.00 under 37 CFR 1.17(m) has been charged to Deposit Account No.: 020385.

BACKGROUND

On 30 September 2004, this international application was filed, claiming an earliest priority date of 30 September 2003. A copy of the intentional application was transmitted on 14 April 2005 to the USPTO from the International Bureau.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 30 May 2006. This international application became abandoned with respect to the United States at midnight on 30 May 2006 for failure to pay the required basic national fee.

On 05 September 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, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), 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; (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 having submitted the basic national filing fee, and an English translation of the international application, (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).

Applicant submitted a composite declaration on 01 December 2006 comprising of two sets of declarations since two separately executed signature pages have been submitted each signed by one inventor out of the two from that sheet. The composite declaration is defective because 37 CFR 1.497(a) and (b) requires that each declaration must be complete and identify each inventor. In this case only one set is complete because it comprises of 4 sheets of the declaration. The second set of the executed declaration is incomplete because it only contains two signature sheets and the first two sheets.

Furthermore, the declaration provided has an alteration on it because there are lines across the former post address and the new address of the third joint inventor Drapp next to the lines. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

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
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15 OCT 2007

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In re Application of REVIE et al.	:	
Application No.: 10/598,593	:	
PCT No.: PCT/GB05/00855	:	DECISION ON
Int. Filing: 07 March 2005	:	
Priority Date: 03 March 2004	:	DECLARATION
Attorney Docket No.: DEP5300	:	
For: IMPLANTABLE MARKER,	:	
INSTRUMENTS AND METHODS	:	

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371 and applicant's submission entitled "Submission of Combined Declaration and Power of Attorney" filed on 13 August 2007 in the United States Patent and Trademark Office (USPTO).

On 11 April 2007, a Notification of Missing Requirements was mailed to applicants indicating that, *inter alia*, an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and 37 CFR §§1.66 or 1.68, was required.

On 07 August 2007, a Response to the Notification of Missing Requirements was filed in the USPTO accompanied by executed declarations.

A review of the declarations reveals that the declarations executed by inventor Revie and Nitzan has been altered. 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.

Moreover, the alteration by inventor Revie is unacceptable as it states "reviewed the contents of the application in March 2004 and have not reviewed since the filing date. At that date I understood the contents of the identified specification". This alteration replaced the lined-

out text: 'have reviewed and understand the contents of the above identified specification." The altered declaration does not comply with 37 CFR 1.63(b)(2), which states that the person making the oath or declaration has reviewed and understands the contents of the application. Inventor Revie's handwritten statement does not indicate such. Thus, the declaration is unacceptable. Since this alteration goes to the whole declaration and it is unclear which inventors signed this declaration, newly executed declarations are required.

It is also noted that Yaacov Nitzan made an alteration to his execution, apparently correcting his mailing address. This alteration is also unacceptable for the reasons set forth above.

Finally, the declaration appears to be a five page declaration. The declaration papers contain four pages identifying the third inventor through sole or fifth inventor and four pages identifying the sixth through eighth inventor. 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.

Therefore, a new acceptable oath or declaration executed by the inventors is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

A new acceptable oath or declaration executed by the inventors, in compliance with 37 CFR 1.497(a) and (b) and 1.63, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

This application will be held in the PCT Legal Office, Office of PCT Legal Administration to await applicant's further reply, that is, a newly executed oath or declaration by inventors, in compliance with 37 CFR 1.497(a) and (b). Applicant has one month from the mail date of this decision or the time remaining under the Notification of Missing Requirements within which to 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.

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30 JAN 2008

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In re Application of REVIE et al. Application No.: 10/598,593 PCT No.: PCT/GB05/00855 Int. Filing: 07 March 2005 Priority Date: 03 March 2004 Attorney Docket No.: DEP5300 For: IMPLANTABLE MARKER, INSTRUMENTS AND METHODS	DECISION ON DECLARATION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371 and applicant's submission entitled "Submission of Combined Declaration and Power of Attorney" filed on 15 November 2007 in the United States Patent and Trademark Office (USPTO).

On 11 April 2007, a Notification of Missing Requirements was mailed to applicants indicating that, *inter alia*, an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and 37 CFR §§1.66 or 1.68, was required.

On 07 August 2007, a Response to the Notification of Missing Requirements was filed in the USPTO accompanied by executed declarations. A decision was mailed on 15 October 2007 stating that the declarations had been altered and a newly executed declaration was required.

On 15 November 2007, applicant filed six declarations, executed by the inventors.

DISCUSSION

Applicant has now filed a declaration which was newly executed by inventor Ian Revie. Applicant also filed declarations executed Robert Butcher, Alan Ashby, Paul Gibbons, Ben Stung, Tom Patterson, Jury Baldewein, Yaacov Nitzan and Brooks James.

It is noted that Yaacov Nitzan has again made an alteration to his declaration correcting his mailing address. This alteration is acceptable as it is initialed and dated by the inventor and is accompanied by the statement of the attorney.

The declarations are acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have been met.

CONCLUSION

The declarations executed by the inventors, is in compliance with 37 CFR 1.497(a) and (b) and 1.63, and satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

The application will be forwarded to the United States Designated/Elected Office (DO/EO) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 15 November 2007.

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1 4 MAR 2007

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SCARBOROUGH NY 10510-9227

In re Application of:
PERINI, Stefano
U.S. Application No.: 10/598,624
PCT No.: PCT/IT2005/000109
International Filing Date: 28 February 2005
Priority Date: 04 March 2004
Atty Docket No.: 72319
For: DEVICE, KIT AND METHOD FOR CLEANING ROLLS IN PRINTING MACHINES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 06 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 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 06 September 2006 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 13-0410 will be charged the small entity surcharge required 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 06 September 2006.

03/14/2007 SBASHEIR 00000001 130410 10598624
Sale Ref: 00000001 DA#: 130410 10598624
01 FC:2617 65.00 DA

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Attorney Advisor
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JOSEPH S. HEINO, ESQ.
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MILWAUKEE WI 53202-6613

MAILED
JUN 07 2010
OFFICE OF PETITIONS

In re Application of :
Mueller :
Application No. 10/598,628 : ON PETITION
Filed: September 6, 2006 :
Attorney Docket No. 07420.25183 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed in accordance with 37 CFR 1.33(b).

Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

Any request for reconsideration must be accompanied by the required petition fee. Petitioner is advised to review the most current USPTO fee schedule prior to submission of any request for reconsideration to ensure that the fees have not increased or decreased at the time of submission of the request for reconsideration.

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

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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THORNE AND HALAJIAN, LLP
111 WEST MAIN STREET
BAY SHORE, NY 11706

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OFFICE OF PETITIONS

In re Application of	:	
Smidt, Pieter Jan Mark	:	
Application No. 10/598,634	:	DECISION ON PETITION
Filed: September 7, 2006	:	
Attorney Docket No. DESP07027	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

18 JAN 2008

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SILVER SPRING MD 20910

In re Application of	:	
DIEFENBACHER et al.	:	
Application No.: 10/598,639	:	DECISION
PCT No.: PCT/EP2005/051057	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 10 March 2004	:	
Attorney Docket No.: 5880	:	
For: METHOD AND SCANNING ARRANGEMENT	:	
FOR THE CONTACTLESS SCANNING OF THREE-	:	
DIMENSIONAL OBJECTS AND DEVICE FOR	:	
HOLDING THE OBJECTS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 26 November 2007 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/EP2005/051057, which designated the United States and claimed a priority date of 10 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (10 September 2006 being a Sunday).

On 07 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 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. The NOTIFICATION set a two-month extendable period for response.

On 13 September 2007, applicants filed a response including a declaration of inventors, the surcharge under 37 CFR 1.492(h), and a petition/fee for a three month extension of time.

On 26 October 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration submitted 13 September 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not indicate the inventor Dean Stoops.

On 26 November 2007, applicants filed the instant submission which includes, *inter alia*, a petition under 37 CFR 1.47(a).

DISCUSSION

Declaration of Inventors

37 CFR 1.41(a)(4) states:

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

The declaration filed 13 September 2007 does not list the inventorship set forth in the international application. The declaration identifies one inventor while the international application identifies two inventors. A Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that an inventor has been deleted does not appear in the file. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 13 September 2007 is not sufficient. (37 CFR 1.41(a)(4) is not affected by the preliminary amendment filed 26 October 2007.)

Petition Under 37 CFR 1.47(a)

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

As to item (1), the petition fee of $200 has been charged to Deposit Account 19-2110.

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 Dean Stoops was presented with a copy of the application papers. Regarding the refusal of Dean Stoops, MPEP § 409.03(d) states in part:

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

Here, a refusal has been alleged but no statement of facts has been provided.

Item (3) has been met.

Item (4) has not been met. The declaration submitted 13 September 2007 is not in compliance with 37 CFR 1.497(a)-(b) because it does not identify all of the inventors.

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. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **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/

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1 7 MAR 2008

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In re Application of	:	
DIEFENBACHER et al.	:	
Application No.: 10/598,639	:	DECISION
PCT No.: PCT/EP2005/051057	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 10 March 2004	:	
Attorney Docket No.: 5880	:	
For: METHOD AND SCANNING ARRANGEMENT	:	
FOR THE CONTACTLESS SCANNING OF THREE-	:	
DIMENSIONAL OBJECTS AND DEVICE FOR	:	
HOLDING THE OBJECTS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 13 February 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051057, which designated the United States and claimed a priority date of 10 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (10 September 2006 being a Sunday).

On 07 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 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. The NOTIFICATION set a two-month extendable period for response.

On 13 September 2007, applicants filed a response including a declaration of inventors, the surcharge under 37 CFR 1.492(h), and a petition/fee for a three month extension of time.

On 26 October 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration submitted 13 September 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not indicate the inventor Dean Stoops.

On 26 November 2007, applicants filed a submission which included, *inter alia*, a petition under 37 CFR 1.47(a).

On 25 June 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision also noted that the declaration of inventors filed 13 September 2007 was not sufficient because it did not identify all of the inventors.

On 13 February 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Rolf Diefenbacher.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

A declaration of inventors signed by Dean Stoops was filed 13 September 2007 and a declaration of inventors signed by Rolf Diefenbacher was filed 13 February 2008. Neither is in compliance with 37 CFR 1.497(a)-(b). Each declaration only lists one inventor. As noted in the decision mailed 18 January 2008, each declaration must list all inventors even if it is signed by only one of the inventors. A declaration (or declarations each) listing all inventors and signed by all inventors must be provided. The declaration must meet all other requirements of 37 CFR 1.497(a)-(b) as well.

CONCLUSION

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

A proper response (a declaration (or declarations each) listing all inventors and signed by all inventors and otherwise in compliance with 37 CFR 1.497(a)-(b) must be provided) must be filed within a time limit of **ONE MONTH** from the date of this decision or within the time remaining in the response set forth in the decision mailed 18 January 2008, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the decision mailed 18 January 2008 may be extended 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/

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2 JUL 2009

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In re Application of	:	
DIEFENBACHER et al.	:	
Application No.: 10/598,639	:	DECISION
PCT No.: PCT/EP2005/051057	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 10 March 2004	:	
Attorney Docket No.: 5880	:	
For: METHOD AND SCANNING ARRANGEMENT	:	
FOR THE CONTACTLESS SCANNING OF THREE-	:	
DIMENSIONAL OBJECTS AND DEVICE FOR	:	
HOLDING THE OBJECTS	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 01 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051057, which designated the United States and claimed a priority date of 10 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (10 September 2006 being a Sunday).

On 07 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 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. The NOTIFICATION set a two-month extendable period for response.

On 13 September 2007, applicants filed a response including a declaration of inventors, the surcharge under 37 CFR 1.492(h), and a petition/fee for a three month extension of time.

On 26 October 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration submitted 13 September 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not indicate the inventor Dean Stoops.

On 26 November 2007, applicants filed a submission which included, *inter alia*, a petition under 37 CFR 1.47(a).

On 25 June 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision also noted that the declaration of inventors filed 13 September 2007 was not sufficient because it did not identify all of the inventors.

On 13 February 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Rolf Diefenbacher.

On 17 March 2008, a decision was mailed dismissing as moot applicants' petition under 37 CFR 1.47(a) because a 37 CFR 1.497 declaration has been executed by all the joint inventors. The decision also indicated that the declarations of inventors filed 13 September 2007 and 13 February 2008 were not in compliance with 37 CFR 1.497(a)-(b) because each declaration failed to list all of the inventors. The decision set a time limit of **ONE MONTH** from the date of mailing or within the time remaining in the response set forth in the decision mailed 18 January 2008, whichever is longer, in which to file a proper response.

On 20 February 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to properly respond to the decision mailed 17 March 2008.

On 01 May 2009, applicants filed the instant petition under 37 CFR 1.137(b) which was accompanied by two declarations of inventors.

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.

Item (1) has not been satisfied. Neither of the declarations filed 01 May 2009 are complete. The declaration signed by Rolf Diefenbacher does not include the Supplemental Sheet listing the second inventor Dean Stoops. The declaration signed by Dean Stoops does not contain page 2.

As to item (2), applicant submitted the petition fee on 01 May 2009.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

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

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.

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

1 3 OCT 2009

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SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING MD 20910

In re Application of	:	
DIEFENBACHER et al.	:	
Application No.: 10/598,639	:	DECISION
PCT No.: PCT/EP2005/051057	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 10 March 2004	:	
Attorney Docket No.: 5880	:	
For: METHOD AND SCANNING ARRANGEMENT	:	
FOR THE CONTACTLESS SCANNING OF THREE-	:	
DIMENSIONAL OBJECTS AND DEVICE FOR	:	
HOLDING THE OBJECTS	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 02 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051057, which designated the United States and claimed a priority date of 10 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (10 September 2006 being a Sunday).

On 07 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 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. The NOTIFICATION set a two-month extendable period for response.

On 13 September 2007, applicants filed a response including a declaration of inventors, the surcharge under 37 CFR 1.492(h), and a petition/fee for a three month extension of time.

On 26 October 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration submitted 13 September 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not indicate the inventor Dean Stoops.

On 26 November 2007, applicants filed a submission which included, *inter alia*, a petition under 37 CFR 1.47(a).

On 25 June 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision also noted that the declaration of inventors filed 13 September 2007 was not sufficient because it did not identify all of the inventors.

On 13 February 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Rolf Diefenbacher.

On 17 March 2008, a decision was mailed dismissing as moot applicants' petition under 37 CFR 1.47(a) because a 37 CFR 1.497 declaration has been executed by all the joint inventors. The decision also indicated that the declarations of inventors filed 13 September 2007 and 13 February 2008 were not in compliance with 37 CFR 1.497(a)-(b) because each declaration failed to list all of the inventors. The decision set a time limit of **ONE MONTH** from the date of mailing or within the time remaining in the response set forth in the decision mailed 18 January 2008, whichever is longer, in which to file a proper response.

On 20 February 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to properly respond to the decision mailed 17 March 2008.

On 01 May 2009, applicants filed a petition under 37 CFR 1.137(b) which was accompanied by two declarations of inventors.

On 02 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.137(b). Specifically, it was noted that the required reply of a declaration in compliance with 37 CFR 1.497(a)-(b) had not been satisfied.

On 02 September 2009, applicants filed the instant petition under 37 CFR 1.137(b) which was accompanied by a declaration of inventors.

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.

Item (1) has now been satisfied. The declaration of inventors filed 02 September 2009 is in compliance with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 01 May 2009.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

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

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.

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/

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SILVER SPRING MD 20910

In re Application of	:	
DIEFENBACHER et al.	:	
Application No.: 10/598,639	:	DECISION
PCT No.: PCT/EP2005/051057	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 10 March 2004	:	
Attorney Docket No.: 5880	:	
For: METHOD AND SCANNING ARRANGEMENT	:	
FOR THE CONTACTLESS SCANNING OF THREE-	:	
DIMENSIONAL OBJECTS AND DEVICE FOR	:	
HOLDING THE OBJECTS	:	

This decision is supplemental to the decision mailed 13 October 2009. That decision is hereby VACATED. Any inconvenience is regretted.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/EP2005/051057, which designated the United States and claimed a priority date of 10 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (10 September 2006 being a Sunday).

On 07 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 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. The NOTIFICATION set a two-month extendable period for response.

On 13 September 2007, applicants filed a response including a declaration of inventors, the surcharge under 37 CFR 1.492(h), and a petition/fee for a three month extension of time.

On 26 October 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration submitted 13 September 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not indicate the inventor Dean Stoops.

On 26 November 2007, applicants filed a submission which included, *inter alia*, a petition under 37 CFR 1.47(a).

On 25 June 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision also noted that the declaration of inventors filed 13 September 2007 was not sufficient because it did not identify all of the inventors.

On 13 February 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Rolf Diefenbacher.

On 17 March 2008, a decision was mailed dismissing as moot applicants' petition under 37 CFR 1.47(a) because a 37 CFR 1.497 declaration has been executed by all the joint inventors. The decision also indicated that the declarations of inventors filed 13 September 2007 and 13 February 2008 were not in compliance with 37 CFR 1.497(a)-(b) because each declaration failed to list all of the inventors. The decision set a time limit of **ONE MONTH** from the date of mailing or within the time remaining in the response set forth in the decision mailed 18 January 2008, whichever is longer, in which to file a proper response.

On 20 February 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to properly respond to the decision mailed 17 March 2008.

On 01 May 2009, applicants filed a petition under 37 CFR 1.137(b) which was accompanied by two declarations of inventors.

On 02 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.137(b). Specifically, it was noted that the required reply of a declaration in compliance with 37 CFR 1.497(a)-(b) had not been satisfied.

On 02 September 2009, applicants filed a petition under 37 CFR 1.137(b) which was accompanied by a declaration of inventors.

On 13 October 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.137(b). Specifically, it was noted that 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 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.

Item (1) has been satisfied. The declaration of inventors filed 02 September 2009 is in compliance with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 01 May 2009.

As to item (3), the required statement was provided on 02 September 2009. (The decision mailed 13 October 2009 indicated that item (3) had not been met. However, upon further review of the file, it has been determined that that indication was mistaken. Any inconvenience is regretted.)

CONCLUSION

The decision mailed 13 October 2009 is VACATED.

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

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

/Daniel Stemmer/

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

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Cargill & Associate, P.L.L.C.
56 Macomb Place
Mt. Clemens, MI 48043

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DEC 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Chad Edens et al.	:	
Application No. 10/598,666	:	DECISION ON PETITION
Filed: September 07, 2006	:	
Attorney Docket No. EdensChad P-301	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 26, 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, February 12, 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 May 13, 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, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

This application is being referred to Technology Center AU3679 for appropriate action by the Examiner in the normal course of business on the reply received

David Bucci
Petitions Examiner
Office of Petitions

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SYNNESTVEDT LECHNER & WOODBRIDGE LLP
P O BOX 592
112 NASSAU STREET
PRINCETON NJ 08542-0592

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel Nestor Luchini, et al.	:	
Application No. 10/598,681	:	DECISION ON PETITION
Filed: September 7, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P22888-G USA	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 8, 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 copy of applicant Eiler D. Fredericksen's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred back to the Office of Initial Patent Examination for completion of the pre-examination process. This application will be accorded the "special" status upon the completion of the pre-examination process.

April M. Wise
Petitions Examiner
Office of Petitions

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LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON, VA 20171

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Alberto Hayek, et al.
Application No. 10/598,682
Filed: July 30, 2007
Attorney Docket No.: UCSD-104-US

This is a decision in response to the petition, filed May 9, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 7, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 8, 2009. On May 9, 2010, the present petition was filed. A Notice of Abandonment was subsequently mailed on May 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the $1,175 extension fees included with this petition.

Any request for refund must included a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 1647 for appropriate action by the Examiner in the normal course of business on the reply received May 9, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON CT 06340

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DEC 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Field, et al.	:	
Application No. 10/598,712	:	DECISION
Filed 12 September, 2006	:	
Attorney Docket No. PC26135A	:	

This is a decision on the petitions, filed on 1 October, 2008, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Restriction Requirement) mailed on 20 November, 2007, with reply due absent extension of time on or before 20 February, 2008.

The instant application went abandoned by operation of law after midnight 20 February, 2008.

It does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed.

Petitioner filed the instant petition with fee on 1 October. 2008, with a reply in the form of an Election, and made the 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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(b) is **granted**.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

The instant application is released to Technology Center/AU (TC/AU) 1612 to await the Examiner's Answer in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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2 8 AUG 2007

SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of	:
JIN et al.	: DECISION
U.S. Application No.: 10/598,743	:
PCT Application No.: PCT/US05/08302	ON PETITION
Int. Filing Date: 11 March 2005	:
Priority Date: 11 March 2004	:UNDER 37 CFR 1.182
Attorney Docket No.: PU60782	:
For: NOVEL M3 MUSCARINIC ACETYLCHOLINE	:
RECEPTOR ANTAGONISTS	:

This is in response to applicant's petition under 37 CFR 1.182, filed on 6 June 2007 in the United States Patent and Trademark Office (USPTO) requesting correction of the international application number in the above referenced application filed under 35 U.S.C. §371.

On 11 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/US05/**07822**. The accompanying papers including declaration, were directed to PCT/US05/**08302**. The papers were assigned U.S. application number 10/598,743.

Applicant indicates that the national stage application filed on 11 September 2006 be corrected to the international application number **PCT/US05/08302**.

The USPTO records will be corrected to reflect that U.S. application 10/598,743 is the national stage of PCT/US05/08302.

The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-328
Facsimile: (571) 273-0459

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RESEARCH TRIANGLE PARK NC 27709-3398

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MAY 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark J. Bamford, et al.	:	
Application No. 10/598,759	:	DECISION DISMISSING PETITION
Filed: September 11, 2006	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. PB60780USW	:	

This is a decision in response to the petition under 37 CFR 1.313(c)(2), filed May 20, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 6, 2009, with the issue fee being due on or before June 8, 2009. It is noted that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313 is unnecessary since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

The matter is being referred to Technology Center AU 1624 for appropriate processing of the RCE filed May 20, 2009, and for consideration of the concurrently filed Supplemental Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

2 4 MAR 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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SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of CLIFFORD, Michael, et al. Application No.: 10/598,760 PCT No.: PCT/EP2005/002701 Int. Filing Date: 09 March 2005 Priority Date: 11 March 2004 Attorney's Docket No.: CB60772 For: PREBIOTIC USE OF FRUITS AND FRUIT JUICES IN THE PROMOTION OF BENEFICIAL GUT MICROFLORA BASED DEPTH MEASUREMENT FOR MEDICAL APPLICATIONS	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to applicant's request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 27 September 2007. It has been treated as a Request Under 37 CFR 1.497(d).

BACKGROUND

On 26 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 27 September 2007, applicant filed this request and a declaration executed by four inventors.

DISCUSSION

Applicants file this request to add Andrea Rodig-Penman, 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) have been satisfied.

Item (3) has not been satisfied. The consent of the assignee is signed by Dara L. Dinner as "Agent for Applicant". Agent is not a title that conveys apparent authority to bind the assignee and the agent has not self-certified authority to bind the assignee. See MPEP 324.

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 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

1 5 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of	:	
CLIFFORD, Michael, et al.	:	
Application No.: 10/598,760	:	
PCT No.: PCT/EP2005/002701	:	
Int. Filing Date: 09 March 2005	:	DECISION
Priority Date: 11 March 2004	:	
Attorney's Docket No.: CB60772	:	ON REQUEST UNDER
For: PREBIOTIC USE OF FRUITS AND	:	
FRUIT JUICES IN THE PROMOTION	:	37 CFR 1.497(d)
OF BENEFICIAL GUT MICROFLORA	:	
BASED DEPTH MEASUREMENT	:	
FOR MEDICAL APPLICATIONS	:	

This decision is in response to applicant's renewed Request Under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 20 May 2008.

BACKGROUND

On 24 March 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request to correct the inventorship.

On 20 May 2008, applicant filed this renewed request.

DISCUSSION

Applicants file this request to add Andrea Rodig-Penman, 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.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 27 September 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

1 1 JAN 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
NISHI et al.	:	
Application No.: 10/598,763	:	DECISION
PCT No.: PCT/JP05/00396	:	
Int. Filing Date:14 January 2005	:	
Priority Date: 09 March 2004	:	
Attorney Docket No.: P28641	:	
For: APPARATUS FOR REMOVING NITROGEN OXIDES AND METHOD FOR REMOVING NITROGEN OXIDES	:	

This is a decision on applicant's request for acceptance of an English translation as a replacement for the English translation, filed in the above identified application 22 June 2007. A petition fee is not required. The request to accept the English translation was filed in the United States Patent and Trademark Office (USPTO) on 09 November 2009. The $130 processing fee for filing the English translation after the thirty month period is required and will be charged to applicant's deposit account.

On 11 September 2009, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee and an English translation of the international application PCT/JP05/00396.

On 09 November 2009, applicant filed the instant request to accept an English translation for international application PCT/JP05/00396 as a replacement for the originally filed English translation. A correct English translation of the international application PCT/JP05/00396 was submitted. The new English translation of the international application filed on 09 November 2009 is accepted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY
DEPARTMENT
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SUITE 1200
WASHINGTON DC 20006-1109

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of:	:
Fecher et al.	:
Pat. No.: 7,714,132	: ON REQUEST FOR
Issue Date: 05/11/2010	: RECONSIDERATION OF
Application No. 10/598777	: PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 09/11/2006	:
Atty. Docket No.: 66535.000013	:

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 16, 2010. Patentees request that the determination of patent term adjustment be corrected to 884 days. The application matured into U.S. Patent No. 7,714,132 on May 11, 2010, and is therefore properly treated under 37 C.F.R. § 1.705(d).

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

On May 11, 2010, the above-identified application matured into U.S. Patent No. 7,714,132. The patent issued with a PTA of 833 days.

Regarding the "B" period under 37 C.F.R. § 1.702(b), Patentees provide that based upon the Notice of Allowability, Patentees calculated the issue date to be June 29, 2010, and calculated a period of adjustment of 291 days[1].

Regarding Applicant delay, Patentees argue that the period of delay of two (2) days attributed to Patentees in connection with the filing of a reply to a Election/ Restriction Requirement on September 28, 2009, three months and two days after the mailing of the Restriction/Election Requirement June 26, 2009, is in contravention of 35 U.S.C. § 21 and 37 C.F.R. § 1.7(a). and is not a failure to engage in reasonable efforts to conclude processing or examination of the

[1] The patent issued on May 11, 2010, and the patent term adjustment pursuant to 35 U.S.C. § 154(b)(1)(B) is 242 days.

application because as stated in 35 U.S.C. § 21, "[w]hen the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day."

Patentees' arguments have been carefully considered. Regarding the delay of two (2) days attributed to Applicant under 37 CFR 1.704(b), for filing the reply to filing of a reply to a Election/Restriction Requirement on September 28, 2009, three months and two (2) days after the mailing of the Restriction/Election Requirement June 26, 2009, Patentees attention is directed to 37 CFR 1.703(f), which provides that "[t]he date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation" of patent term adjustment. That is, while the date indicated on any certificate of mailing or transmission under § 1.8 will continue to be taken into account in determining timeliness, the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Applicant may wish to consider the use of the ''Express Mail Post Office to Addressee'' service of the United States Postal Service (§ 1.10) or facsimile transmission (§ 1.6(d)) for replies to be accorded the earliest possible filing date for patent term adjustment calculations. (Emphasis supplied). *See also*, Comment 10, *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*; *Final Rule*, 65 Fed. Reg. 54366 (September 18, 2000). In accordance with 37 CFR 1.703(f), the Office properly used September 28, 2009, the filing date of the reply to a Election/Restriction Requirement, in calculating the patent term adjustment.

A review of the application file history also reveals that a Supplemental Response Under 37 C.F.R. § 111 was filed on December 12, 2009, after filing the reply to the Election/Restriction Requirement on September 28, 2009. 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 deemed a failure to engage in reasonable efforts to conclude prosecution or processing within the meaning of 37 CFR 1.704(c)(8), and a reduction of 75 days, beginning on the day after the date the initial reply was filed, September 29, 2009, and ending on the date that the supplemental reply was filed, December 12, 2009, is properly included in the patent term adjustment.

In view thereof, it is concluded that the patent correctly issued with a revised Patent Term Adjustment of seven hundred fifty-eight (758) days (835 days Office delay – 77 days Applicant delay).

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 file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **SEVEN HUNDRED FIFTY-EIGHT (758) DAYS**.

Telephone inquiries specific to this matter should be directed to the unbdersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,714,132 B2

DATED : **May 11, 2010**

INVENTOR(S) : Fecher 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 833 days.

Delete the phrase "by 833 days" and insert – by 758 days--

2 9 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
BREDDAM et al.	:	
Application No.: 10/598,779	:	DECISION
PCT No.: PCT/DK2005/000160	:	
Int. Filing Date: 09 March 2005	:	
Priority Date: 11 March 2004	:	
Attorney Docket No.: 12845.0009USWO	:	
For: BARELY FOR PRODUCTION OF	:	
FLAVOR-STABLE BEVERAGE	:	

This notification is in response to applicants' petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 22 May 2007.

BACKGROUND

On 09 March 2005, applicant filed international application PCT/DK2005/000160, which designated the U.S. and claimed a priority date of 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 at midnight on 11 September 2006.

On 11 September 2006, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. The transmittal letter did not include authorization to charge the U.S. Basic National Fee.

On 02 May 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 22 May 2007, applicants filed the instant petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the U.S. Basic National Fee on 22 May 2007.

As to item (2), applicant submitted the petition fee on 22 May 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.

The declaration of inventors filed 22 May 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

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

1 9 AUG 2008

United States Patent and Trademark Office

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

In re Application of	:	
Bandi et al.	:	
Application No. 10/598,846	:	
PCT No.: PCT/IN2005/000097	:	
Int. Filing Date: 01 April 2005	:	DECISION
Priority Date: N/A	:	
Atty. Docket No.:	:	
For: A Novel Crystalline Form	:	
Of Rupatadine Free Base	:	

This is in response to the "Request For Correction Of Inventors' Names" filed on 17 October 2007.

BACKGROUND

International application PCT/IN2005/000097 was filed on 01 April 2005, 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 05 October 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2007. Applicants filed, *inter alia*, the basic national fee on 13 September 2006.

DISCUSSION

Counsel states that "it has come to our attention that due to a typographical error, the surnames of several of the applicants have been incorrectly identified as first names." Counsel states that the correct renditions of the names are PARTHASARADHI REDDY, Bandi; RATHNAKAR REDDY, Kura; RAJI REDDY, Rapolu; MURALIDHARA REDDY, Dasari; and SUBASH CHANDER REDDY, Kesireddy. Inspection of the copy of the declaration under PCT Rule 4.17(iv) filed on 13 September 2006 reveals that it nominates PARTHASARADHI REDDY, bandi; RATHNAKAR REDDY, kura; RAJI REDDY, rapolu; MURALIDHARA REDDY, dasari; and SUBASH CHANDER REDDY, kesireddy. Meanwhile, the published international application nominates the same inventors (the capitalization status of the first names is not considered to alter their identification). As such, despite counsel's suggestion to the contrary, it appears that the orders of the inventors' names are the same on the declaration, in the publication and in the instant "Request For Correction..." Since applicants are requesting acceptance of a change in order of the names when no such change is necessary, the request is **MOOT**.

DECISION

The request is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing.

/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

UNITED STATES DEPARTMENT OF COMMERCE
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Mail Date: 07/08/2010

Applicant	: Koji Tsuji	: DECISION ON REQUEST FOR
Patent Number	: 7642611	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/598,847	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **276** 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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2 0 NOV 2008

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

In re Application of	:	DECISION
LOSIO et al.	:	
Application No.: 10/598,859	:	
PCT No.: PCT/IB2005/000656	:	
Int. Filing Date: 15 March 2005	:	
Priority Date: 15 March 2004	:	
Attorney Docket No.: 048826/315332	:	
For: COMPOSITE FOOTWEAR INSOLE,	:	
AND METHOD OF MANUFACTURING	:	
SAME		

This decision is in response to applicants' submission filed 05 August 2008 which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 15 March 2005, applicant filed international application PCT/IB2005/000656, which designated the United States and claimed a priority date of 15 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (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 15 September 2006.

On 13 September 2006, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 June 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 a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 August 2008, applicant filed the instant petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Ireneo Braghin and an English translation thereof.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 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 Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied item (2). (The petition fee is $130. A small entity fee is not applicable.) Item (4) is not required.

Item (1) has not been satisfied. The statement of Ireneo Braghin (English translation) does not state that any error in inventorship in the international application occurred with deceptive intention on his part.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. Also, a proper showing under 37 CFR 3.73(b) is required if an assignment has been executed. See MPEP § 324.

Declaration of Inventors

The declaration of inventors is not in compliance with 37 CFR 1.497(a)-(b) because the filing date indicated for the executed specification is incorrect; it should be September 13, 2006 rather than September 15, 2006.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply, including a declaration of inventors in compliance with 37 CFR 1.497(a)-(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 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

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17 AUG 2009

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH
SUITE 210
WOODBURY NY 11797

In re Application of	:	DECISION
LOSIO et al.	:	
Application No.: 10/598,859	:	
PCT No.: PCT/IB2005/000656	:	
Int. Filing Date: 15 March 2005	:	
Priority Date: 15 March 2004	:	
Attorney Docket No.: 048826/315332	:	
For: COMPOSITE FOOTWEAR INSOLE,	:	
AND METHOD OF MANUFACTURING	:	
SAME		

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed 14 May 2009.

BACKGROUND

On 15 March 2005, applicant filed international application PCT/IB2005/000656, which designated the United States and claimed a priority date of 15 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (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 15 September 2006.

On 13 September 2006, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 June 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 a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 August 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Ireneo Braghin and an English translation thereof.

On 20 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that the statement of Ireneo Braghin (English translation) did not state that any error in inventorship in the international application occurred with deceptive intention on his part, that no mention was made in the petition regarding whether an assignment had been executed, that if an assignment had been executed, the written consent of the assignee was required, and that a proper showing under 37 CFR 3.73(b) was required if an assignment has been executed. The decision also noted that the declaration of inventors filed 05 August 2008 was not in compliance with 37 CFR 1.497(a)-(b) because the filing date indicated for the executed specification was incorrect.

On 14 May 2009, applicants filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a new declaration of the inventor, a statement from Ireneo Braghin, and a consent of assignee statement.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 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 Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 20 November 2008, item (2) has been satisfied and item (4) is not required.

Item (1) has now been satisfied.

Item (3) has not been satisfied. Although a consent of assignee statement has been provided, a proper showing under 37 CFR 3.73(b) has not. Such a showing is required if an assignment has been executed. See MPEP § 324. (Although the consent of assignee statement indicates that "a copy of the assignment is enclosed herewith," no such copy appears in the application file.)

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

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

2 6 OCT 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

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH
SUITE 210
WOODBURY NY 11797

In re Application of	:	DECISION
LOSIO et al.	:	
Application No.: 10/598,859	:	
PCT No.: PCT/IB2005/000656	:	
Int. Filing Date: 15 March 2005	:	
Priority Date: 15 March 2004	:	
Attorney Docket No.: 048826/315332	:	
For: COMPOSITE FOOTWEAR INSOLE,	:	
AND METHOD OF MANUFACTURING	:	
SAME		

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed 28 August 2009.

BACKGROUND

On 15 March 2005, applicant filed international application PCT/IB2005/000656, which designated the United States and claimed a priority date of 15 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (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 15 September 2006.

On 13 September 2006, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 June 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 a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 August 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement from Ireneo Braghin and an English translation thereof.

On 20 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that the statement of Ireneo Braghin (English translation) did not state that any error in inventorship in the international application occurred with deceptive intention on his part, that no mention was made in the petition regarding whether an assignment had been executed, that if an assignment had been executed, the written consent of the assignee was required, and that a proper showing under 37 CFR 3.73(b) was required if an assignment has been executed. The decision also noted that the declaration of inventors filed 05 August 2008 was not in compliance with 37 CFR 1.497(a)-(b) because the filing date indicated for the executed specification was incorrect.

On 14 May 2009, applicants filed a renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a new declaration of the inventor, a statement from Ireneo Braghin, and a consent of assignee statement.

On 17 August 2009, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.497(d). Specifically, it was noted that a proper showing under 37 CFR 3.73(b) had not been provided.

On 28 August 2009, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a showing under 37 CFR 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 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 Sec. 1.17(i); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
(4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 20 November 2008, item (2) has been satisfied and item (4) is not required.

As noted in the decision mailed 17 August 2009, item (1) has been satisfied.

Item (3) has now been satisfied. The showing under 37 CFR 3.73(b) filed 28 August 2009 is proper.

Declaration of the Inventor

The declaration of the inventor filed 14 May 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

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

/Daniel Stemmer/

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

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C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN VA 22102

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FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Kengo Onaka et al	:	
Application No. 10/598,893	:	DECISION GRANTING PETITION
Filed: September 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 36856.1463	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 January 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 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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ALEXANDRIA, VA 22313-1450
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GREENBLAUM & BERNSTEIN, PC
1950 ROLAND CLARK PLACE
RESTON, VA 20191

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SEP 05 2008

Applicant: Nakahara
Appl. No.: 10/598,894
International Filing Date: March 16, 2005
Title: METHOD FOR PRODUCING COMPONENT POWDER CONTAINING OIL SOLUBLE SUBSTANCE
Attorney Docket No.: P30702
Pub. No.: 2007/0160674 A1
Pub. Date: July 12, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on September 12, 2007 for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Alexandria, VA 22313-1450
www.uspto.gov

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Mark Gretton, et al.	:	
Application No. 10/598,900	:	DECISION GRANTING PETITION
Filed: June 15, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 169/US/01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 20, 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 3661 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

Terri Johnson
Petitions Examiner
Office of Petitions

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

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14 JAN 2008

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, IL 60603-3406

In re Application of	: DECISION ON
SCHINABECK et al	:
Application No.: 10/598,901	:
PCT No.: PCT/EP2005/002799	:
Int. Filing Date: 16 March 2005	: PETITION UNDER
Priority Date: 17 March 2004	:
Attorney's Docket No.: 8417.89127	:
For: POLYMER COMPOSITION AND...	:
COATING SYSTEMS	: 37 CFR 1.137(b)

This decision is in response to applicant's "Petition Under 37 CFR 137(b) To Revive An Unintentionally Abandoned Application," filed on 24 May 2007.

BACKGROUND

On 16 March 2005, this international application was filed, claiming an earliest priority date of 17 March 2004. A copy of the intentional application was transmitted on 29 September 2005 to the USPTO from the International Bureau.

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 September 2006. This international application became abandoned with respect to the United States at midnight on 17 September 2006 for failure to pay the required basic national fee.

On 14 September 2006, applicant 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. However, neither the basic national fee nor an executed declaration or oath was provided at such time.

On 04 May 2007, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since applicant has failed to provide the full US Basic National Fee by 30 months (37 CFR 1.495(b)(1)).

On 24 May 2007, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); 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 having submitted 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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MCDONNELL BOEHNEN
HULBERT @ BERGHOFF LLP
300 SOUTH WACKER DRIVE
SUITE 3100
CHICAGO IL 60606

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of

Leahy, et al. :

Application No. 10/598,911

: DECISION ON PETITION

Filed: September 14, 2006

:

Attorney Docket No. **05-905-A5**

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the restriction/election requirement mailed September 15, 2009, which set a shortened period for reply of one month from its mailing date. A response was not received within the allowable period. The application became abandoned on October 16, 2009. A Notice of Abandonment was mailed on March 23, 2010.

The election filed March 24, 2010, is noted.

The application is being forwarded to Technology Center 1600, GAU 1626 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Bert Jan Lommerts	: DECISION ON REQUEST FOR
Patent Number	: 7595356	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,926	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **89** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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31 JAN 2007

Greg L. Martinez
Suite 408
3116 South Mill Avenue
Tempe AZ 85282

In re Application of
NABESHIMA et al.
Application No.: 10/598,933
Filing Date: 14 September 2006
Attorney's Docket No.:PA214WP002
For: SEMICONDUCTOR WAFER INSPECTION DEVICE AND METHOD

DECISION

This application is before the Office of PCT Legal Administration, United States Patent and Trademark Office (USPTO) for consideration of applicant's Petition to Convert filed on 21 November 2006.

BACKGROUND

On 13 April 2005 applicant filed international application PCT/JP05/07120, which claimed priority of an earlier application filed 13 April 2004. The thirty month period for entry into the U.S. national stage expired at midnight on 13 October 2006.

On 14 September 2006, applicant filed a Transmittal Letter requesting filing under 35 U.S.C. 111 and 37 CFR 1.53 with the $300 basic filing fee, claims and drawings but without a specification. The filing was treated as a submission under 35 U.S.C. 111(a).

On 21 November 2006, applicant filed the instant response, requesting that the 14 September 2006 filing be treated as a filing under 35 U.S.C. 371.

DISCUSSION

Applicant's use of "Utility Patent Application Transmittal" (Only for new nonprovisional applications under 37 CFR 1.53(b)) (Form PTO/SB/05 filed 14 September 2006 is inconsistent with and contradicts any desire expressed in any papers filed to enter the national stage of the PCT under 35 U.S.C. 371. A national application which requests treatment under 35 U.S.C. 111 and 37 CFR 1.53 cannot be considered the national stage application of international application PCT/JP05/027120 and is an indication of papers 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).

The application is deemed to have been filed under 35 U.S.C. 111(a) and international application PCT/JP05/07120 is abandoned with respect to the United States.

Applicant is advised that in order 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. 10/598,933) and the international application (PCT/US04/28705) designating the United States must be copending on 13 October 2006.

Applicant may wish to file a petition under 37 CFR 1.137 to revive the international application. Applicant may also consider filing 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. *See* 37 CFR 1.78(a)(3) and a certified copy of the priority document. 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. An appropriate passage would be, "This is an continuation of international application PCT/JP05/07120, filed 13 April 2005, which designated the United States and is now abandoned."

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.

CONCLUSION

For the reasons stated above, applicant's Petition to Convert is **DISMISSED.**

Application no. 10/598,933 is an application filed under 35 U.S.C. 111(a).

This application will be forwarded to Office of Initial Patent Examination (OIPE) for further processing.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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31 JAN 2007

Greg L. Martinez
Suite 408
3116 South Mill Avenue
Tempe AZ 85282

In re Application of
NABESHIMA et al.
Application No.: 10/598,933
Filing Date: 14 September 2006
Attorney's Docket No.:PA214WP002
For: SEMICONDUCTOR WAFER INSPECTION DEVICE AND METHOD

DECISION

This application is before the Office of PCT Legal Administration, United States Patent and Trademark Office (USPTO) for consideration of applicant's Petition to Convert filed on 21 November 2006.

BACKGROUND

On 13 April 2005 applicant filed international application PCT/JP05/07120, which claimed priority of an earlier application filed 13 April 2004. The thirty month period for entry into the U.S. national stage expired at midnight on 13 October 2006.

On 14 September 2006, applicant filed a Transmittal Letter requesting filing under 35 U.S.C. 111 and 37 CFR 1.53 with the $300 basic filing fee, claims and drawings but without a specification. The filing was treated as a submission under 35 U.S.C. 111(a).

On 21 November 2006, applicant filed the instant response, requesting that the 14 September 2006 filing be treated as a filing under 35 U.S.C. 371.

DISCUSSION

Applicant's use of "Utility Patent Application Transmittal" (Only for new nonprovisional applications under 37 CFR 1.53(b)) (Form PTO/SB/05 filed 14 September 2006 is inconsistent with and contradicts any desire expressed in any papers filed to enter the national stage of the PCT under 35 U.S.C. 371. A national application which requests treatment under 35 U.S.C. 111 and 37 CFR 1.53 cannot be considered the national stage application of international application PCT/JP05/027120 and is an indication of papers 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).

The application is deemed to have been filed under 35 U.S.C. 111(a) and international application PCT/JP05/07120 is abandoned with respect to the United States.

Applicant is advised that in order 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. 10/598,933) and the international application (PCT/US04/28705) designating the United States must be copending on 13 October 2006.

Applicant may wish to file a petition under 37 CFR 1.137 to revive the international application. Applicant may also consider filing 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. *See* 37 CFR 1.78(a)(3) and a certified copy of the priority document. 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. An appropriate passage would be, "This is an continuation of international application PCT/JP05/07120, filed 13 April 2005, which designated the United States and is now abandoned."

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.

CONCLUSION

For the reasons stated above, applicant's Petition to Convert is **DISMISSED.**

Application no. 10/598,933 is an application filed under 35 U.S.C. 111(a).

This application will be forwarded to Office of Initial Patent Examination (OIPE) for further processing.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak, MI 48067

Mail Date: 04/21/2010

Applicant	: Peng Fei Fu	: DECISION ON REQUEST FOR
Patent Number	: 7648767	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,943	: 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 **706** 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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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Ewa Stackelberg	: DECISION ON REQUEST FOR
Patent Number	: 7645480	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/598,948	: 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 **601** 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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MAR 29 2010

OFFICE OF PETITIONS

SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

In re Application	:
Minteer, al.	:
Application No. 10/598,951	: PATENT TERM ADJUSTMENT
Filing or 371(c) Date: July 13, 2007	:
Dkt. No.: SLU 03-022 (4556.8)	:

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705," filed January 12, 2010. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(b).

Applicants submit that the correct patent term adjustment to be indicated on the patent is 694 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the application is entitled to an adjustment of 725 days pursuant to 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on March 13, 2008.

The application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED**.

Applicants advised that the international filing date for the instant PCT application was January 19, 2005. Applicants argue that the first Office action was mailed March 13, 2008, 725 days after the 14 month due date for the mailing of a first office action on the merits.

In accordance with 37 CFR 1.702(a)(1), the term of a patent shall be adjusted for the Office's failure 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 was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application. See, also, MPEP 1893.03(b).

The instant application fulfilled the requirements of 35 U.S.C. 371 on July 13, 2007. As the first Office action on the merits was mailed within 14 months of the date of fulfillment on March 20, 2008 the application is not entitled to adjustment under 37 CFR 1.702(a)(1).

In view thereof, no correction of the patent term adjustment set forth in the initial determination of patent term adjustment will be made.

The application file 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 the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicant: Golubovic, et al.
Appl. No.: 10/598,953
International Filing Date: March 15, 2005
Title: METHOD OF PREPARING A PROTEIN AGGREGATE AND A PHARMACEUTICAL PREPARATION
Attorney Docket No.: 6900-29
Pub. No.: US 2008/0274953 A1
Pub. Date: November 6, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 30, 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 wherein a set of drawings that do not belong to the application were printed in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by applicant wherein drawings that did not belong to the application were included with the publication may be Office errors, but they are not material Office errors under 37 CFR 1.221. The extra pages of drawings do 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 publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance

[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).

of a patent. A member of the public can understand the claim from the specification and remaining claims.
The papers which were improperly scanned into this application, including the drawings, which were published have been removed.

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

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12 FEB 2007

KIRKPATRICK & LOCKHART PRESTON GATES & ELLIS LLP
1900 Main Street, Suite 600
Irvine, CA 92614-7319

In re Application of COHEN, David I. U.S. Application No.: 10/598,975 PCT No.: PCT/US2005/008519 Int. Filing Date: 16 March 2005 Priority Date: 16 March 2004 Attorney Docket No.: 51311-00008 For: TAT-BASED VACCINE COMPOSITIONS AND METHODS OF MAKING AND USING SAME	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 03 January 2007 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge 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 United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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K&L Gates, LLP
1900 MAIN STREET, SUITE 600
IRVINE CA 92614-7319

08 JAN 2007

In re Application of	:	
Cohen	:	
Application No.: 10/598,976	:	DECISION
PCT No.: PCT/US05/08634	:	
Int. Filing Date: 16 March 2005	:	ON
Earliest Priority Date: 16 March 2004	:	
Attorney Docket No.: 51311-00001	:	PETITION
For: TAT-Based Tolerogen Compositions And Methods Of Making And Using Same	:	

The petition to revive under 37 CFR 1.137(b) filed 03 January 2007 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 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. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **03 January 2007** (i.e., the date the basic national fee was filed per 35 U.S.C. 371(c)(1)).

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

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10 JAN 2007

K&L GATES, LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

In re Application of COHEN et al	:	
U.S. Application No.: 10/598,978	:	
PCT Application No.: PCT/US2005/008694	:	
Int. Filing Date: 16 March 2005	:	
Priority Date Claimed: 16 March 2004	:	DECISION
Attorney Docket No.: 51311-00009	:	
For: TAT-BASED IMMUNOMODULATORY	:	
COMPOSITIONS AND METHODS FOR	:	
THEIR DISCOVERY AND USE	:	

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 03 January 2007.

BACKGROUND

On 16 March 2005, applicant filed international application PCT/US2005/008694, which claimed priority of an earlier United States application filed 16 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 16 September 2006.

On 15 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/US2005/008694 became abandoned as to the United States for failure to timely pay the basic national fee.

On 03 January 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 16 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 January 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

1 2 FEB 2008

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

In re Application of	:	
FOURNAND et al.	:	
Application No.: 10/598,979	:	DECISION
PCT No.: PCT/EP2005/002875	:	
Int. Filing Date: 16 March 2005	:	
Priority Date: 17 March 2004	:	
Attorney Docket No.: ESSR:124US/10612008	:	
For: OPTICAL LENS HOLDER	:	

This decision is in response to applicants' "PETITION TO THE DIRECTOR UNDER 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 11 December 2007.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/EP2005/002875, which designated the U.S. and claimed a priority date of 17 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 18 September 2006 (17 September 2006 being a Sunday).

On 15 September 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 11 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF INSUFFICIENT FEES indicating, *inter alia*, that additional claim fees, the search fee, the examination fee, and the surcharge under 37 CFR 1.492(h) were required. The Notification set a TWO (2) MONTH extendable period for reply.

On 11 December 2007, applicants filed a submission which included the additional claim fees and the surcharge as well as the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests a refund of the five-month extension of time fee paid on 11 December 2007 because applicants purportedly did not receive the NOTIFICATION OF INSUFFICIENT FEES mailed 11 May 2007. This request is based on a failure to receive an Office action. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. 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. 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." Such a docket report has not been provided.

Accordingly, the extension of time fee paid on 11 December 2007 will not be refunded.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

1 7 MAR 2008

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SUITE 2400
AUSTIN TX 78701

In re Application of	:	
FOURNAND et al.	:	
Application No.: 10/598,979	:	DECISION
PCT No.: PCT/EP2005/002875	:	
Int. Filing Date: 16 March 2005	:	
Priority Date: 17 March 2004	:	
Attorney Docket No.: ESSR:124US/10612008	:	
For: OPTICAL LENS HOLDER	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 19 February 2008 and to applicants' request for refund filed 06 March 2008.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/EP2005/002875, which designated the U.S. and claimed a priority date of 17 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 18 September 2006 (17 September 2006 being a Sunday).

On 15 September 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 11 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF INSUFFICIENT FEES indicating, *inter alia*, that additional claim fees, the search fee, the examination fee, and the surcharge under 37 CFR 1.492(h) were required. The Notification set a TWO (2) MONTH extendable period for reply.

On 11 December 2007, applicants filed a submission which included the additional claim fees and the surcharge as well as a petition under 37 CFR 1.181.

On 12 February 2008, a decision was mailed dismissing applicants' petition under 37 CFR 1.181 for failure to provide a copy of the docket record where the non-received Office action would have been entered had it been received.

On 19 February 2008, applicants filed a renewed petition under 37 CFR 1.181 including a copy of a docket record showing where the non-received Office action would have been entered had it been received.

On 06 March 2008, applicants filed a request for refund asking that the $370 charged to Deposit Account 50-1212 on 18 December 2007 for multiple dependent claims be refunded.

DISCUSSION

Petition Under 37 CFR 1.181

The petition requests a refund of the five-month extension of time fee paid on 11 December 2007 because applicants purportedly did not receive the NOTIFICATION OF INSUFFICIENT FEES mailed 11 May 2007. This request is based on a failure to receive an Office action. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As noted in the decision mailed 12 February 2008, items (1) and (2) have been satisfied.

Item (3) has now been satisfied. Accordingly, the extension of time fee paid on 11 December 2007 has been credited to Deposit Account 50-1212.

Request for Refund

The multiple dependent claim fee of $370 charged on 18 December 2007 to Deposit Account 50-1212 was charged in error. The Deposit Account has been credited.

CONCLUSION

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

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.

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

/Daniel Stemmer/

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

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0 7 OCT 2009

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24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of :
BOS, Alexander J. :
U.S. Application No.: 10/599,005 :
PCT No.: PCT/IB2005/050855 :
Int. Filing Date: 09 March 2005 : **DECISION**
Priority Date: 23 March 2004 :
Attorney Docket No.: NL040303 :
For: SMALL LOOP ANTENNA FOR :
INDUCTION READER/WRITER :

This decision is in response to the petition under 37 CFR 1.182 filed 10 August 2009.

BACKGROUND

On 18 September 2006, applicant filed papers to enter the national stage of PCT/IB2005/000413 using the USPTO EFS-Web system. The application was processed as the national stage of PCT/IB2005/000413 by the USPTO. However, the declaration indicates that the application was intended to be the national stage of PCT/IB2005/050855.

On 15 June 2007, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt were mailed. The international application was denoted as PCT/IB2005/000413.

On 09 June 2009, a communication was mailed vacating the Form PCT/DO/EO/903 and filing receipt due to conflicting information contained in the initial filing. Applicant was requested to clarify the correct international application number.

On 10 August 2009, applicant filed the subject petition under 37 CFR 1.182.

DISCUSSION

Applicant requests that the PCT number in the above-captioned national stage application be corrected to PCT/IB2005/050855 pursuant to 37 CFR 1.182. Applicant provided the required $400.00 petition fee.

A review of the above-captioned national stage application shows that applicant identified the PCT number on the declaration filed 18 September 2006 as

PCT/IB2005/050855. WIPO records show that the inventor and assignee of the subject application correspond to PCT/IB2005/050855.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/IB2005/050855 and that applicant made an error on the PCT number upon filing.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/IB2005/050855.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	
NEHEZ, Imre	:	
Application No. 10/599,008	:	DECISION ON PETITION
Filed: September 18, 2006	:	TO WITHDRAW
Attorney Docket No. **VAR0102PUSA**	:	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 28, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, filed for the applicant under authorization, does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CSABA HENTER – PATENT ATTORNEY**
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
ARLINGTON COURTHOUSE PLAZA 1, SUITE 1400
2200 CLARENDON BOULEVARD
ARLINGTON, VA 22201

UNITED STATES PATENT AND TRADEMARK OFFICE

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

16 MAY 2007

KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS, CA 91360

In re Application of ROBINSON	:	
U.S. Application No.: 10/599,038	:	
PCT Application No.: PCT/GB2004/001172	:	DECISION
Int. Filing Date: 19 March 2004	:	
Priority Date Claimed: none	:	
Attorney Docket No.: 830-2F-008	:	
For: PUMP	:	

This is in response to applicant's "Request to Correct Inventor's Name" filed 22 January 2007.

BACKGROUND

On 19 March 2004, applicant filed international application PCT/GB2004/001172. 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 22 January 2007, applicant filed the present request to correct the inventor's name.

DISCUSSION

The request states that the first and middle names were mistakenly reversed when filing the U.S. national stage papers. The inventor's name listed on the executed declaration matches that shown in the published international application. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the request is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 March 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 January 2007.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO CA 92101

COPY MAILED

MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
MC FADDEN, John	:	
Application No. 10/599,048	:	DECISION ON PETITION
Filed: May 30, 2007	:	TO WITHDRAW
Attorney Docket No. **114157-0001US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2009.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to PROCOPIO, CORY, HARGREAVES & SAVITCH LLP has been revoked by the applicant of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SUMMA, ADDITON & ASHE, P.A.**
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/24/2009

TO SPE OF : ART UNIT 3612 (3600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/599,060 Patent No.: 7,552,962

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, LTE
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.

Comments: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE _____ **ART UNIT** 3612

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 18 2008

In re Application of	:	
Hendriks et al.	:	
Application No. 10/599,068	:	DECISION ON PETITION
Filed: September 19, 2006	:	
Attorney Docket No. NL 040307	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 4, 2008, as required by the Notice of Allowance and Fee(s) Due mailed May 2, 2008. Accordingly, the date of abandonment of this application is August 5, 2008. A Notice of Abandonment was mailed August 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 payment of the issue fee of $1,440.00 and the publication fee of $300.00, (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles Mason
Wintermattweg 22
Bern CH-30-18 CH SWITZERLAND

MAILED

MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of
Charles Mason
Application No. 10/599,070
Filed: September 19, 20076
Attorney Docket No. AP113-06

DECISION ON PETITION

This is a decision on the petition, filed November 4, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

On March 11, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on June 12, 2008, for failure to submit a timely response to the non-final Office action. On October 28, 2008, the Office mailed a Notice of Abandonment.

Petitioner does not state that a reply was previously submitted nor has petitioner provided any evidence to establish the holding of abandonment should be withdrawn.

As such the holding of abandonment cannot be withdrawn.

If petitioner can establish that a reply was submitted within the shortened statutory period of reply set by the non-final Office action, evidence to that effect should be provided on renewed petition.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This

amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions 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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Charles Mason
Wintermattweg 22
Bern CH-30-18 CH SWITZERLAND

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JUN 08 2009

OFFICE OF PETITIONS

In re Application of :
Charles Mason :
Application No. 10/599,070 : DECISION ON PETITION
Filed: September 19, 2006 :
Attorney Docket No. AP113-06 :

This is a decision on the renewed petition, filed May 4, 2009, 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 **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

On March 11, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on June 12, 2008, for failure to submit a timely response to the non-final Office action. On October 28, 2008, the Office mailed a Notice of Abandonment.

On renewed petition, petitioner has provided a letter, which states that, a certified copy of New Zealand Patent No. 549918 has been forwarded to the Office. However, petitioner has still failed to provide evidence that a timely complete reply was submitted in response to the non-final Office action on March 11, 2008. To the extent petitioner maintains that the certified copy is part of the response, no evidence has been presented to show that this reply was submitted before June 11, 2008. It should be noted that the record does not show that the Office is in receipt of the certified copy of the New Zealand patent.

Pursuant to 37 CFR 1.111, in order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with

respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action.

The record is devoid of any evidence that petitioner has ever presented a reply to the Office action within the meaning of 37 CFR 1.111.

In order to establish that a reply was previously submitted, petitioner must submit a copy of the previously submitted reply and either a stamped post card receipt pursuant to MPEP 503, a certificate of transmission pursuant to 37 CFR 1.8, or an electronic acknowledgement receipt.

As such the holding of abandonment cannot be withdrawn.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Charles Mason
Wintermattweg 22
Bern CH-30-18 CH SWITZERLAND

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of
Charles Mason
Application No. 10/599,070
Filed: September 19, 2006
Attorney Docket No. AP113-06

DECISION ON PETITION

This is a decision on the renewed petition, filed June 15, 2009, 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 **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

On March 11, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on June 12, 2008, for failure to submit a timely response to the non-final Office action. On October 28, 2008, the Office mailed a Notice of Abandonment.

On renewed petition, petitioner has provided a letter, which states that, a certified copy of New Zealand Patent No. 549918 has been forwarded to the Office. Petitioner further contends that the a reply to the non-final rejection was submitted on May 7, 2008.

Pursuant to 37 CFR 1.111, in order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout

to be a bona fide attempt to advance the application or the reexamination proceeding to final action.

The record does not reflect that a response to the Office action was received on May 7, 2008.

In order to establish that a reply was previously submitted, petitioner must submit a copy of the previously submitted reply and either a stamped post card receipt pursuant to MPEP 503, a certificate of transmission pursuant to 37 CFR 1.8, or an electronic acknowledgement receipt.

As such the holding of abandonment cannot be withdrawn.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED

APR 17 2009

OFFICE OF PETITIONS

Applicant: Harrison
Appl. No.: 10/599,080
International Filing Date: March 19, 2004
Title: DRYER FABRIC SEAM
Attorney Docket No.: AJD-2.204.0US
Pub. No.: US 2007/0181207 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 October 9, 2007 and June 12, 2008, for the above-identified application.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,448,416 on November 11, 2008 the request is deemed moot.

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

12 OCT 2006

Philips Medical Systems
Philips Intellectual Property & Standards
P.O. BOX 3003
22100 Bothell Everett Highway
Bothell, WA 98041-3003

In re Application of JONES et al. Application No.: 10/599,112 PCT No.: PCT/IB05/50927 Int. Filing: 16 March 2005 Priority Date: 25 March 2004 Attorney Docket No.: US040138US For: DEFIBRILLATION ELECTRODE HAVING DRUG DELIVERY CAPABILITY	DECISION ON PETITION

This decision is issued in response to applicants' "Petition (under 37 CFR 1.47(a)) when Inventor Refuses to Sign Declaration" filed 20 September 2006 to accept the application without the signature of joint inventor, Janice L. Jones. The requisite $200 petition fee has been submitted.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/IB05/50927, which claimed a priority date 25 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 2005. 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, 25 September 2006.

On 20 September 2006, applicants filed a request for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and the present petition under 37 CFR 1.47(a).

DISCUSSION

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

A review of the present petition reveals that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Philippe Renaudin. The steps taken by W. Brinton Yorks are sufficient to show that Janice L. Jones has refused to execute the application.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03)

For the above reasons, it would not be appropriate to accept this application without the signature of Janice L. Jones 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

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

12 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Philips Medical Systems
Philips Intellectual Property & Standards
P.O. BOX 3003
22100 Bothell Everett Highway
Bothell, WA 98041-3003

In re Application of JONES et al. Application No.: 10/599,112 PCT No.: PCT/IB05/50927 Int. Filing: 16 March 2005 Priority Date: 25 March 2004 Attorney Docket No.: US040138US For: DEFIBRILLATION ELECTRODE HAVING DRUG DELIVERY CAPABILITY	DECISION ON PETITION

This decision is issued in response to applicants' "Request for Reconsideration of Petition (under 37 CFR 1.47(a)) when Inventor Refuses to Sign Declaration" filed 05 December 2006 to accept the application without the signature of joint inventor, Janice L. Jones.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/IB05/50927, which claimed a priority date 25 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 2005. 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, 25 September 2006.

On 20 September 2006, applicants filed a request for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and a petition under 37 CFR 1.47(a). In a decision dated 12 October 2006, applicants petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 December 2006, 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) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

A review of the papers filed 05 December 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Janice L. Jones) refused to sign, stated the last known address of the non-signing inventor (Janice L. Jones), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

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

The application will be given an international filing date of 16 March 2005 under 35 U.S.C. 363, and a date of 20 September 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

Anthony Smith
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

GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON, NJ 08540-6231

Mail Date: 04/21/2010

Applicant	: David Robert Turton	: DECISION ON REQUEST FOR
Patent Number	: 7642375	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,117	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,125	09/20/2006	Ana Belen Bueno Melendo	X-16772	4566

25885 7590 09/28/2009
ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

EXAMINER
MCDOWELL, BRIAN E

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
09/28/2009	ELECTRONIC

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

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

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

patents@lilly.com

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SEP 2 8 2009

Brian E. McDowell
ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

In re Application of	:
Melendo	:Decision on Petition
Serial No.:10/599,125	:
Filed : 9/20/2006	:
Attorney Docket No.: X-16772	:

This letter is in response to the Petition filed on 21 August 2009 to withdraw from consideration the petition filed on 10 June 2009, which was filed under 37 C.F.R. 1.144 for reconsideration of the restriction requirement.

On 9 September 2009, the examiner prepared a Notice of Allowance which indicated that applicants provided permission for the examiner to cancel claim 9 and indicated patentability of all other pending claims.

Accordingly, the petition filed 21 August 2009 is **GRANTED**.

For this reason, the petition filed 10 June 2009 is withdrawn and considered moot.

Should there be any questions regarding this decision, please Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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Paper No.

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

MAILED
MAR 29 2010
OFFICE OF PETITIONS

In re Patent No. 7,618,978	: DECISION ON REQUEST
Bueno Melendo et al.	: FOR
Issue Date: November 17, 2009	: RECONSIDERATION OF
Application No. 10/599,125	: PATENT TERM ADJUSTMENT
Filed: September 20, 2006	: and
Atty Docket No. X-16772	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 17, 2009, which is being treated as a request for reconsideration under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred fifty-six (456) days. As clarified below, the petition will be treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred twenty-three (423) 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 four hundred twenty-three (423) days is **GRANTED to the extent indicated herein**.

The "B" delay period is 25 days, not 58 days. Patentee calculated this period based on a commencement date of September 20, 2006. However, the application commenced the national stage under 35 U.S.C. 371(b) on Monday, October 23, 2006. Thus, "B" delay is 25 days, counting the number of days beginning on October 24, 2009, the day after the date three years after the national stage commenced, and ending on November 17, 2009, the date of issuance. See 1.703(b).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

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 Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred twenty-three (423)** days.

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

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,618,978 B2

DATED : **November 17, 2009** **DRAFT**

INVENTOR(S) : Bueno Melendo 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 398 days.

Delete the phrase "by 398 days" and insert – by 423 days--

Day : Friday
Date: 3/26/2010

PALM INTRANET

Time: 08:37:46

PTA Calculations for Application: 10/599125			
Application Filing Date:	09/20/2006	PTO Delay (PTO):	398
Issue Date of Patent:	11/17/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	423
PTO Delay Adjustment:	25		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	25		
63.5	10/28/2009	PTA 36 MONTHS			
63	11/17/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
62	10/22/2009	EXPORT TO FINAL DATA CAPTURE			
61	10/21/2009	FINISHED INITIAL DATA CAPTURE			
60	10/21/2009	DISPATCH TO FDC			
59	10/13/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
58	10/06/2009	ISSUE FEE PAYMENT VERIFIED			
57	10/06/2009	ISSUE FEE PAYMENT RECEIVED			
56	10/02/2009	EMAIL NOTIFICATION			
55	09/28/2009	MAIL-PETITION DECISION - GRANTED			
54	09/25/2009	PETITION DECISION - GRANTED			
45	09/09/2009	MAIL NOTICE OF ALLOWANCE			
44	09/03/2009	ISSUE REVISION COMPLETED			
43	09/03/2009	DOCUMENT VERIFICATION			
42	09/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
41	09/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	08/20/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
39	08/31/2009	NOTICE OF ALLOWABILITY			
38	08/14/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	08/14/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

33	08/14/2009	FILED			
32	08/14/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	07/14/2009	DATE FORWARDED TO EXAMINER			
30	06/17/2009	RESPONSE AFTER NON-FINAL ACTION			
29	03/17/2009	ELECTRONIC REVIEW			
28	03/17/2009	EMAIL NOTIFICATION			
27	03/17/2009	MAIL NON-FINAL REJECTION			
26	03/12/2009	NON-FINAL REJECTION			
22	02/25/2009	DATE FORWARDED TO EXAMINER			
21	02/23/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
20	01/23/2009	ELECTRONIC REVIEW			
19	01/23/2009	EMAIL NOTIFICATION			
18	01/23/2009	MAIL RESTRICTION REQUIREMENT	398		6
17	01/21/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
16	10/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	10/11/2007	PRELIMINARY AMENDMENT			
14	09/27/2007	PG-PUB ISSUE NOTIFICATION			
13	08/21/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	08/09/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7	07/03/2007	APPLICATION DISPATCHED FROM OIPE			
6	10/22/2006	371 COMPLETION DATE			
5	06/19/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	06/19/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	03/13/2007	CASE CLASSIFIED BY OIPE			

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

Mail Date: 04/20/2010

Applicant	: Kazunari Soga	: DECISION ON REQUEST FOR
Patent Number	: 7611606	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,135	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **430** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Jason H. Vick
Sheridan Ross, PC
Suite # 1200
1560 Broadway
Denver, CO 80202

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In re Application of	:	
Shinya Nagata, et. al.	:	
Application No. 10/599,173	:	ON PETITION
Filed: July 5, 2007	:	
Attorney Docket No. 5553NA3-1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on September 30, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed March 26, 2008. A Notice of Abandonment was mailed on October 9, 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; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,050 for a three months extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 3735 for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Frank Delahaye
Application No. 10/599,208
Filed: September 22, 2006
Attorney Docket No. STURK0024

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 19, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to the first named signing inventor. A courtesy copy is being mailed to the address noted in the request. If the attorneys with this firm desire to receive future communications concerning this application, the proper power of attorney documents should be submitted.

It should also be noted that the customer number on the request is not of record in this application.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Franck Delahaye
Grubstr. 5
Vorstetten, Germany D-79279

cc: Raymond Wagenknecht
Biotech Beach Law Group, PC
625 Broadway, Ste. 1210
San Diego, CA 92101

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OFFICE OF PETITIONS

In re Application of	:	
Frank Delahaye	:	
Application No. 10/599,208	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. STURK0024	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the certification has not been established on the request to withdraw as boxes (1) and (2) were not checked. Further explanation is requested as to why these certifications were not made.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. A courtesy copy will be mailed to the address noted on the request to withdraw. If these person(s) would like to receive future correspondence regarding this application, the proper power of documents must be submitted.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Franck Delahaye
Grubstr. 5
Vorstetten, Germany D-79279

cc: Rena Sondermaschinen GMBH
OB Der Eck 5
Gutenbach, Germany D-78148

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OFFICE OF PETITIONS

In re Application of	:	
Frank Delahaye	:	
Application No. 10/599,208	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. STURK0024	:	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 August 12, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no forwarding address for the inventor Franck Delahave. The previous decision on the Request for Withdrawal of attorney mailed on July 11, 2008 was returned to the Office on August 25, 2008 as undeliverable mail.

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 the inventor. A courtesy copy of this decision will be mailed to address indicated on the request to withdraw. If this firm would like to receive future correspondence, the proper power of attorney documents must be submitted or if an assignee has intervened compliance with 37 CFR 3.73(b) must be satisfied.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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2 1 APR 2009

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

In re Application of:	
BUREAU, Christophe, et al.	
U.S. Application No.: 10/599,214	COMMUNICATION
PCT Application No.: PCT/FR2005/000693	
International Filing Date: 22 March 2005	
Priority Date: 24 March 2004	
Attorney's Docket No.: 033339/317221	
For: METHOD FOR SELECTIVE COATING OF A COMPOSITE SURFACE PRODUCTION OF MICROELECTRONIC INTER-CONNECTIONS USING SAID METHOD AND INTEGRATED CIRCUITS	

This decision is issued in response to applicants' "Petition For Correction Of Inconsistent International Application Numbers At Filing, 37 CFR 1.182" filed 16 April 2009. Applicants have paid the required $400 petition fee.

BACKGROUND

The procedural background for the present application was set forth in the Communication mailed 13 April 2009. The Communication indicated that a petition under 37 CFR 1.182 was required to correct the record with regard to the inconsistent international application numbers provided by applicants at the time of filing the present application. As noted in the Communication, the materials filed by applicants on 22 September 2006 referred to two different international application numbers: PCT/FR2005/000693 and PCT/FR2005/000639.

On 16 April 2009, applicants filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

In the present petition, applicants confirm that the listing of international application number PCT/FR05/000639 on some of the materials filed herein on 22 September 2006 was the result of an inadvertent error and that the correct international application herein is PCT/FR2005/000693. A review of the filed materials confirms that the correct international application number was contained in the materials filed by applicants on 22 September 2006

(specifically, on the copy of the International Search Report). Finally, applicants have provided the required petition fee and a revised version of the Form PTO-1390 Transmittal Letter in which the international application number has been corrected to PCT/FR2005/000693.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent inconsistency in the international application numbers provided at the time of filing the present application. Accordingly, the materials filed herein on 22 September 2006 will be treated as having been directed to international application PCT/FR2005/000693.

In addition, as noted in the previous Communication, the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 02 January 2009 both listed the priority date from PCT/FR2005/000639. Accordingly, the Notification Of Acceptance and filing receipt are appropriately vacated, to be replaced by corrected versions which include the correct foreign priority information.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 22 September 2006 will be treated as the U.S. national stage of PCT/FR2005/000693.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 02 January 2009, both of which included incorrect priority information, are hereby **VACATED**.

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: (1) loading the international application documents for PCT/FR2005/000693 into the present application file; and (2) mailing a corrected Notification Of Acceptance and filing receipt that correctly identify the application as the U.S. national stage of PCT/FR2005/000693, with a foreign priority claim directed to French Application 0403022, filed 24 March 2004.

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

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RICHARD AUCHTERLONIE
NOVAK DRUCE & QUIGG, LLP
1000 LOUISIANA
53RD FLOOR
HOUSTON TX 77002

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OFFICE OF PETITIONS

In re Patent No. 7,634,042 :
Issued: December 15, 2009 :
Application No. 10/599,251 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: September 22, 2006 :
Dkt. No.: AUCH.0010.PCUS0 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT PER 37 C.F.R. § 1.705(d)," filed February 15, 2010. Patentees request correction of the patent term adjustment from 623 days to 707 days. Patentees requested this correction on the sole basis that the Office took in excess of three years to issue the above-referenced patent.

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 707 days is **GRANTED**.

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

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **707** days.

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

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,634,042 B2

DATED : **December 15, 2009** **DRAFT**

INVENTOR(S) : Auchterlonie

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 623 days

Delete the phrase "by 623 days" and insert – by 707 days--

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COTUIT, MA 02635

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OFFICE OF PETITIONS

In re Application of	:	
Angelis et al.	:	
Application No. 10/599,261	:	ON PETITION
Filed: September 25, 2006	:	
Attorney Docket No. 870-003-208	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 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 16, 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 March 17, 2009. A Notice of Abandonment was mailed July 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment , (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 3744 for further examination on the merits

Chris Bottorff
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,276	09/25/2006	Takayoshi Moriyama	09450/0205428-US0	6428

7590 06/27/2008

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

EXAMINER

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
06/27/2008	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

FORM PET651D (Rev. 08/07)

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250 PARK AVENUE
10TH FLOOR
NEW YORK NY 10177

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In re Application of	:	
Dafni, Ehud	:	
Application No. 10/599,279	:	ON PETITION
Filed: September 25, 2006	:	
Attorney Docket No. GOL616.239514	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center AU 2882 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

1 OCT 2009

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Lek (Slovenia) - LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
Knoxville TN 37901

In re Application of	:	
BOGATAJ et al.	:	DECISION ON
Application No.: 10/599,289	:	
PCT No.: PCT/EP2005/003175	:	PAPERS
Int. Filing Date: 24 March 2005	:	
Priority Date: 26 March 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 33705-US-PCT	:	
For: GASTRORESISTANT . . . ACID (LK-423)	:	

This is a decision on the submission filed by applicants on 20 July 2009 and 21 August 2009. The indication that inventor Anton Lavric is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/EP2005/003175 which claimed a priority date of 26 March 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 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2006.

On 25 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 23 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (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 14 July 2009, the DO/EO/US mailed a second NOTIFICATION OF MISSING REQUIREMENTS (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 14 July 2009, the DO/EO/US also mailed a "Letter Regarding a New Notice and/or the Status of the Application" (Form PCT/DO/EO/WITH) indicating that the Notice mailed 23 February 2009 should be disregarded.

On 20 July 2009, applicants filed a submission including a petition/fee for a three-month extension of time and several declarations of inventors. The indication that inventor Anton Lavric is deceased has been treated as a request for status under 37 CFR 1.42.

On 21 August 2009, applicants filed a submission including a request for refund of the three-month extension of time fee paid 20 July 2009.

DISCUSSION

The declaration signed by the legal representative of Anton Lavric is not in compliance with 37 CFR 1.497(a)-(b) because it fails to identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(a)(3).

The declarations filed 20 July 2009 are also not in compliance with 37 CFR 1.497(a)-(b) because there is a difference in names in one of the inventors between the published international application (Janez KERK) and the declaration of the inventors (Janez KERC). It is not clear if there was a typographical in the last name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

Request for Refund

The three-month extension of time fee paid on 20 July 2009 has been refunded to Deposit Account 12-2355.

CONCLUSION

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

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.

Applicant is required to submit a proper 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."

Regarding the name of Janez KERK or Janez KERC, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application.

/Daniel Stemmer/

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Legal Examiner
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1 6 MAR 2010

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P.O. BOX 1871
Knoxville TN 37901

In re Application of	:	
BOGATAJ et al.	:	DECISION ON
Application No.: 10/599,289	:	
PCT No.: PCT/EP2005/003175	:	PAPERS
Int. Filing Date: 24 March 2005	:	
Priority Date: 26 March 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 33705-US-PCT	:	
For: GASTRORESISTANT . . . ACID (LK-423)	:	

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed on 30 December 2009.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/EP2005/003175 which claimed a priority date of 26 March 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 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2006.

On 25 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 23 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (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 14 July 2009, the DO/EO/US mailed a second NOTIFICATION OF MISSING REQUIREMENTS (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 14 July 2009, the DO/EO/US also mailed a "Letter Regarding a New Notice and/or the Status of the Application" (Form PCT/DO/EO/WITH) indicating that the Notice mailed 23 February 2009 should be disregarded.

On 20 July 2009, applicants filed a submission including several declarations of inventors. The indication that inventor Anton Lavric is deceased was properly treated as a request for status under 37 CFR 1.42.

On 01 October 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42. The decision also noted that there was a difference in names in one of the inventors between the published international application (Janez KERK) and the declarations of the inventors (Janez KERC) filed 20 July 2009.

On 30 December 2009, applicants filed the instant submission.

DISCUSSION

Request for Status Under 37 CFR 1.42

The submission filed 30 December 2009 has been reviewed and has been found in compliance with 37 CFR 1.42.

Difference in Names of One of the Inventors

The submission filed 30 December 2009 concerning the spelling of the last name of one of the inventors explains that the spelling of the inventor's name in the declaration (KERC) is accurate and that the spelling in the international application (KERK) is inaccurate. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

Declarations of Inventors

The declarations filed 20 July 2009 signed by all of the inventors except the legal representative of the deceased inventor Anton Lavric and the declaration of inventors filed 30 December 2009 signed by the legal representative of Anton Lavric are 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/

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18 MAY 2007

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In re Application of WICKLINE et al. Serial No.: 10/599,312 PCT No.: PCT/IB05/50985 Int. Filing Date: 22 March 2005 Priority Date: 02 April 2004 Atty. Docket No.: US040174US For: ULTRASONIC PROBE VOLUME COMPENSATION SYSTEM	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's "Petition When Inventor Refuses to Sign Declaration" filed 25 September 2006, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/IB05/50985 which claimed priority to a previous application filed 02 April 2004. 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, 02 October 2006.

On 25 September 2006, applicant filed a request for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; a declaration of inventors; and the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger.

DISCUSSION

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

items (1) and (4).

Regarding item (2) above, petitioner states that Alan Hornberger has refused to sign the application. Section 409.03(d) of the MPEP, **Proof of Unavailability or Refusal**, states, in part:

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

Petitioner provided evidence that a bona fide attempt was made to present a copy of the application papers to the nonsigning inventor, however, the petition and accompanying papers does not provide first hand knowledge that the nonsigning inventor has refused to execute the declaration and the application. The statements made with regards to the efforts to reach Alan Hornberger constitutes secondhand knowledge, in that, the actions to which petitioner is averring to were conducted by Jill Peistrup.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Alan Hornberger, 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.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03)

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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13 JUL 2007

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Bothell, WA 98041-3003

In re Application of	:	
WICKLINE et al.	:	
Serial No.: 10/599,312	:	DECISION ON PETITION
PCT No.: PCT/IB05/50985	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 22 March 2005	:	
Priority Date: 02 April 2004	:	
Atty. Docket No.: US040174US	:	
For: ULTRASONIC PROBE VOLUME COMPENSATION SYSTEM		

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.47(a)" filed 06 July 2007 to accept the application without the signature of joint inventor, Alan Hornberger.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/IB05/50985 which claimed priority to a previous application filed 02 April 2004. 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, 02 October 2006.

On 25 September 2006, applicant filed a request for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; a declaration of inventors; and the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger. In a decision dated 18 May 2007, applicant's petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 06 July 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) 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.

A review of the papers filed 25 September 2006 and 06 July 2007 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Alan Hornberger) refused to execute the application or cannot be located after diligent effort, stated the last known address of the non-signing inventor (Alan Hornberger), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signatures of joint-inventor Alan Hornberger.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known addresses set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 25 September 2006.

Anthony Smith

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13 JUL 2007

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Alan Hornberger
RR 2 Bix 2685
McAlisterville, PA 17049

In re Application of
WICKLINE et al.
Serial No.: 10/599,312
Int. Filing Date: 22 March 2005
Priority Date: 02 April 2004
Atty. Docket No.: US040174US
For: ULTRASONIC PROBE VOLUME COMPENSATION SYSTEM

Dear Alan Hornberger:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel of Record:
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In re Application of	:	
SCHEIRER et al.	:	
Serial No.: 10/599,322	:	DECISION ON PETITION
PCT No.: PCT/IB05/50987	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 22 March 2005	:	
Priority Date: 02 April 2004	:	
Atty Docket No.: US040176US	:	
For: INTRACAVITY PROBE WITH CONTINUOUS SHIELDING OF ACOUSTIC WINDOW		

This decision is issued in response to applicant's "Petition When Inventor Refuses to Sign" filed 25 September 2006, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/IB05/50987 which claimed priority to a previous application filed 02 April 2004. 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, 02 October 2006.

On 25 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); a copy of the international application; a preliminary amendment; a declaration of inventors; and the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or

her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1) and (4).

Regarding item (2) above, petitioner states that Alan Hornberger has refused to sign the application. Section 409.03(d) of the MPEP, **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner provided evidence that a bona fide attempt was made to present a copy of the application papers to the nonsigning inventor, however, the petition and accompanying papers does not provide first hand knowledge that the nonsigning inventor has refused to execute the declaration and the application. The statements made with regards to the efforts to reach Alan Hornberger constitutes secondhand knowledge, in that, the actions to which petitioner is averring to were conducted by Jill Peistrup.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Alan Hornberger, 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.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03)

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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20 JUL 2007

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In re Application of SCHEIRER et al. Serial No.: 10/599,322 PCT No.: PCT/IB05/50987 Int. Filing Date: 22 March 2005 Priority Date: 02 April 2004 Atty Docket No.: US040176US For: INTRACAVITY PROBE WITH CONTINUOUS SHIELDING OF ACOUSTIC WINDOW	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's "Petition When Inventor Refuses to Sign" filed 09 July 2007, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/IB05/50987 which claimed priority to a previous application filed 02 April 2004. 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, 02 October 2006.

On 25 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); a copy of the international application; a preliminary amendment; a declaration of inventors; and the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Alan Hornberger. In a decision dated 18 May 2007, applicant's petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 09 July 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) 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.

A review of the papers filed 25 September 2006 and 09 July 2007 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Alan Hornberger) refused to execute the application or cannot be located after diligent effort, stated the last known address of the non-signing inventor (Alan Hornberger), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signatures of joint-inventor Alan Hornberger.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known addresses set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 25 September 2006.

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