1 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
www.uspto.gov

GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA, PA 15051

In re Application of	:	
Uber, III et al.	:	
Application No.: 10/599,366	:	DECISION
PCT No.: PCT/US05/07829	:	
Int. Filing Date: 11 March 2005	:	ON
Priority Date: 11 March 2004	:	
Attorney Docket No.: IN/04-002PCT.US	:	PETITION
For: Energy Assisted Medical Devices,	:	
Systems And Methods	:	

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 26 September 2006.

BACKGROUND

This international application was filed on 11 March 2005, claimed an earlier priority date of 11 March 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 September 2006. This international application became abandoned with respect to the U.S. national stage for failure to timely pay 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); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding **requirement (1)**, the "required reply" requirement has been satisfied by the payment of the $300.00 basic national fee on 26 September 2006.

Regarding **requirement (2)**, the $1500.00 petition fee is being charged to counsel's Deposit Account No. 13-2530, per the authorization in the Transmittal Letter filed on 26 September 2006.

Regarding **requirement (3)**, the petition filed on 26 September 2006 does not identify the application to which it is directed, nor has it been signed by a licensed practitioner (nor by all of the applicants). Therefore, it would not be appropriate to conclude that requirement 3 has been satisfied.

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

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

Petitioner's Deposit Account 13-2530 is being charged for the $1500.00 petition fee, as discussed above.

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 under 37 CFR 1.136(a) are available.

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

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

United States Patent and Trademark Office

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

21 AUG 2007

GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA, PA 15051

In re Application of	:	
Uber, III et al.	:	
Application No.: 10/599,366	:	DECISION
PCT No.: PCT/US05/07829	:	
Int. Filing Date: 11 March 2005	:	ON
Priority Date: 11 March 2004	:	
Attorney Docket No.: IN/04-002PCT.US	:	PETITION
For: Energy Assisted Medical Devices,	:	
Systems And Methods	:	

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 30 July 2007.

DISCUSSION

In a Decision mailed on 11 June 2007, the petition under 37 CFR 1.137(b) filed on 26 September 2006 was dismissed without prejudice because

Regarding **requirement (3)**, the petition filed on 26 September 2006 does not identify the application to which it is directed, nor has it been signed by a licensed practitioner (nor by all of the applicants). Therefore, it would not be appropriate to conclude that requirement 3 has been satisfied.

In response, petitioner has now filed a signed petition form (Form PTO/SB/64/PCT) including an appropriate statement of unintentional delay. As such, all of the requirements of 37 CFR 1.137(b) have now been satisfied.

DECISION

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

Petitioner's Deposit Account 13-2530 is being charged for the $1500.00 petition fee, as mentioned in the Decision mailed on 11 June 2007.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 September 2006**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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	: Kazuhide Kudo	: DECISION ON REQUEST FOR
Patent Number	: 7663225	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,368	: 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 **238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

1 0 SEP 2007

Thomas P. Canty
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257

In re Application of	:	DECISION ON
Wolfgang Quednau	:	
Application No.: 10/599,381	:	
PCT No.: PCT/EP05/003196	:	
Int. Filing Date: 24 March 2005	:	PETITION
Priority Date: 27 March 2004	:	
Attorney's Docket No.: 20831/0205535-USO	:	
For: FABRIC	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER CFR 1.182" filed on 13 August 2007, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP2005/003196. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 04-0100.

BACKGROUND

On 27 September 2006, this international application was electronically filed, claiming an earliest priority date of 27 March 2004. However, the incorrect PCT number was submitted at the time of filing.

On 13 August 2007, petitioner filed a petition under 37 CRF 1.182 stating that at the time of electronically filing the application, the priority number was unintentionally entered as PCT/US2005/003196 due to a data entry during filing and that the correct number is PCT/EP2005/003196.

DISCUSSION

Petitioner states that the PCT number was unintentionally entered as PCT/US2005/003196 rather than the correct number PCT/EP2005/003196.

Although applicants entered the incorrect PCT serial number at the time of electronically filing the application, the correct PCT number PCT/EP2005/003196 was placed in the transmittal letter, and in the Application Data Sheet. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2005/003196.

Therefore, petition to accept the correct PCT number of PCT/EP2005/003196 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

01 OCT 2007

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

In re Application of KOJIMA et al. Application No.: 10/599,383 PCT No.: PCT/JP05/06822 Int. Filing: 31 March 2005 Priority Date: 31 March 2004 Attorney Docket No.: 03702-0205110-US0 For: ORGANIC ELECTROLYTE CAPACITOR USING A MESOPOROUS CARBON MATERIAL AS A NEGATIVE ELECTRODE	DECISION ON DECLARATION UNDER 37 CFR 1.497(a)

This is a decision on applicants' Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office filed on 09 August 2007 in the United States Patent and Trademark Office (USPTO) along with a request for a one month extension of time, which is granted.

On 14 May 2007, a Notification of Missing Requirements (Form DO/EO/905) was mailed to applicant, indicating that the oath or declaration was not executed in accordance with either 37 CFR 1.66 or 1.68 and drawing applicant's attention to the fact that the second inventor's name Nagura did not correspond with the name Nakura listed on the published international application.

On 09 August 2007, applicant filed a reply to Notification with a statement of counsel explaining the error. Applicant filed an explanation that the difference in the second inventor's name is a spelling error. The correct spelling of the second inventor's name is Satoshi NAGURA. Applicants' explanation is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required. The declaration of inventors submitted by applicants on 24 January 2007 is acceptable.

The application will be forward 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 24 January 2007.

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

2 0 JUN 2007

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

GLAXOSMITHKLINE
Corporate Intellectual Property- UW2220
P.O. Box 1539
King Prussia, PA 19406-0939

In re Application of	:	DECISION ON
Martin T. Lowy	:	
Application No.: 10/599,411	:	
PCT No.: PCT/US2005/010125	:	
Int. Filing Date: 22 March 2005	:	PETITION UNDER
Priority Date: 22 March 2004	:	
Attorney's Docket No.: PB60808	:	
For: USE OF AN ...	:	
BIPOLAR DISORDERS	:	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 28 September 2006.

BACKGROUND

On 22 March 2005, this international application was filed, claiming an earliest priority date of 22 March 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 22 September 2006. This international application became abandoned with respect to the United States at midnight on 22 September 2006 for failure to pay the required basic national fee.

On 28 September 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. A review of the file reveals that declaration submitted under PCT Rule 4.17 was properly executed.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **28 September 2006.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

05 JUN 2007

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

In re Application of CRAEMER et al	:	
U.S. Application No.: 10/599,438	:	
PCT Application No.: PCT/EP2005/050426	:	
Int. Filing Date: 01 February 2005	:	DECISION
Priority Date Claimed: 10 March 2004	:	
Attorney Docket No.: 071308.0755	:	
For: METHOD FOR RECOGNIZING A	:	
SENSOR TYPE	:	

This is in response to applicant's "Non-fee Petition Under 37 C.F.R. § 1.181 to Revive Holding of Abandonment" filed 24 May 2007.

BACKGROUND

On 01 February 2005, applicant filed international application PCT/EP2005/050426, which claimed priority of an earlier Germany application filed 10 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 September 2006.

International application number PCT/EP2005/050426 became abandoned as to the United States on 11 September 2006 for failure to timely pay the basic national fee.

On 28 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 Abandonment (Form PCT/DO/EO/909).

On 24 May 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the basic national fee was paid on 28 September 2006. However, the basic national fee was due on 10 September 2006. Thus, the Notification of Abandonment was properly mailed.

CONCLUSION

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

15 JUN 2007

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

In re Application of CRAEMER et al	:	
U.S. Application No.: 10/599,438	:	
PCT Application No.: PCT/EP2005/050426	:	
Int. Filing Date: 01 February 2005	:	DECISION
Priority Date Claimed: 10 March 2004	:	
Attorney Docket No.: 071308.0755	:	
For: METHOD FOR RECOGNIZING A	:	
SENSOR TYPE	:	

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 12 June 2007.

BACKGROUND

On 01 February 2005, applicant filed international application PCT/EP2005/050426, which claimed priority of an earlier Germany application filed 10 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 September 2006.

International application number PCT/EP2005/050426 became abandoned as to the United States on 11 September 2006 for failure to timely pay the basic national fee.

On 28 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 Abandonment (Form PCT/DO/EO/909).

On 12 June 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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 Notice of Defective Declaration, which should indicate that the declaration filed 28 September 2006 is improper.[1]

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] Applicant is advised that the declaration filed 28 September 2006 is an improper composite declaration. Specifically, the declaration consists of one each of pages 1, 2, and 4 and two of page 3. It is not acceptable to submit only the signature page of a declaration since doing so raises doubt as to whether the signature page was associated with the rest of the declaration pages at the time of execution. Applicant is required to submit either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, each of which is presented to an executed by at least one of the inventors.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROTHWELL, FIGG, ERNEST & MANBECK, PC
1424 K STREET, NW
SUITE 800
WASHINGTON, DC. 20005

COPY MAILED
DEC 04 2008

Applicant: Luna
Appl. No.: 10/599,441
International Filing Date: July 6, 2005
Title: IMPROVED MICROSILICA, ITS APPLICATION LIKE POZZALANIC MATERIAL AND METHODS FOR ITS OBTAINING
Attorney Docket No.: 3179-102
Pub. No.: US 2007/0209554 A1
Pub. Date: September 13, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 13, 2007, for the above-identified application

Applicant requests that the application be republished because the patent application publication contains material errors wherein some of the data points in Table 6 in the specification are misaligned.

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

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

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

Mail Date: 04/21/2010

Applicant	: Tsugunori Konakawa	: DECISION ON REQUEST FOR
Patent Number	: 7640921	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,453	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 25 2007

OFFICE OF PETITIONS

In re Application of :
Maurice Granger et al :
Application No. 10/599,457 : DECISION ON PETITION
Filed: September 28, 2006 :
Attorney Docket No. 1759.233 :

This is a decision on the petition under 37 CFR 1.182, filed, March 27, 2007, to change the name of inventor "Stefan Brnic" to - Stefan Kristo --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, will be mailed in due course.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is currently before the Office of Initial Patent Examination undergoing pre-examination processing.

Frances Hicks
Frances Hicks
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

18 MAY 2007

NORRIS, MCLAUGHLIN & MARCUS, PA
875 THIRD AVENUE
18TH FLOOR
NEW YORK NY 10022

In re Application of MAZZELL et al. Application No.: 10/599,472 PCT No.: PCT/US05/03366 Int. Filing Date: 04 February 2005 Priority Date: 04 February 2004 Attorney Docket No.: 100746-69 US (KGB) For: PURIFICATION OF 1,1,1,3,3,3 -HEXAFLUOROISOPROPANOL	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

Mail Date: 04/20/2010

Applicant	: Cynthia Darshini Jesudason	: DECISION ON REQUEST FOR
Patent Number	: 7632857	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,488	: 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 **268** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Peter Jan Leonard Quaedflieg	: DECISION ON REQUEST FOR
Patent Number	: 7595408	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,497	: 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 **36** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

BRYAN CAVE POWELL GOLDSTEIN
1201 WEST PEACHTREE STREET, NW
ONE ATLANTIC CENTER, FOURTEENTH FLOOR
ATLANTA, GA 30309-3488

COPY MAILED
MAR 04 2010

In re Application of	:	
Poirrier et al.	:	DECISION ON PETITION
Application No. 10/599,520	:	TO WITHDRAW
Filed: September 29, 2006	:	FROM RECORD
Attorney Docket No. 150026.00000	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on January 4, 2010.

The request is **NOT APPROVED**.

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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed February 5, 2010 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

2 9 JAN 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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

Glenn Patent Group
3475 Edison Way, Suite L
Menlo Park, CA 94025

In re Application of	:	DECISION ON
Certagon Ltd.	:	
PCT No.: PCT/US2005/10547	:	PETITION UNDER
Application No: 10/599,541	:	
Int. Filing Date: 29 March 2005	:	
Priority Date: 29 March 2004	:	37 CFR 1.47(a)
Attorney's Docket No.: CERT0004	:	
For: METHOD and APPRATUS for...	:	
in ENTERPRISE	:	

This is in response to the "PETITION BASED UPON UNAVAILABILITY OF INVENTOR OF INVENTOR (37 C.F.R. 47)" filed on 23 October 2007. The requisite $200 petition fee has been paid.

BACKGROUND

On 29 March 2005, applicants filed international application PCT/US2005/10547, which claimed priority to an earlier application filed 29 March 2004. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 29 September 2006.

On 29 September 2006, applicants filed for entry into the national stage in the United States of America. Filed with the application was, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 23 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date... does not identify the citizenship of each inventor" must be submitted within two months from of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 23 October 2007, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of joint inventor Ron Wolf.

DISCUSSION

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

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

Regarding item (1), the correct petition fee of $200.00 has been charged to petitioner's Deposit Account No.: 07-1445.

Regarding item (2), the averments of Mr. Glen are insufficient to support a finding that the nonsigning inventor, Mr. Wolf could not be located after diligent effort. Mr. Glenn's declaration fails to show diligent effort to locate inventor Mr. Wolf because he broadly states that "Applicant has tried several times to contact inventor wolf via his last known number," which does not show effort to locate the missing inventor. For example, he has not searched for the above non-signing inventor's new address by using a broad search in the internet and a phone directory listing, which would show diligent effort by him to find the nonsigning inventor.

Moreover, it is not clear from the petition that it was Mr. Glenn who performed the items listed in section 2 of the petition, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Mr. Glenn was not the person who performed the actions listed in that section, petitioner will need to submit statements, with specific facts on the actions referred to by section 2 by persons who have first-hand knowledge of such facts

Regarding item (3), petitioner has not provided a statement of the last known address of the missing inventor.

Consequently, at this time it can not be concluded that the nonsigning Mr. Wolf could not be found after diligent effort.

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

1 2 MAY 2008

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

Glenn Patent Group
3475 Edison Way, Suite L
Menlo Park, CA 94025

In re Application of	:	DECISION ON
Certagon Ltd.	:	
PCT No.: PCT/US2005/10547	:	
Application No: 10/599,541	:	PETITION UNDER
Int. Filing Date: 29 March 2005	:	
Priority Date: 29 March 2004	:	
Attorney's Docket No.: CERT0004	:	
For: METHOD and APPRATUS for... in ENTERPRISE	:	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 25 April 2008 in response to a decision by this Office dated 29 January 2008.

BACKGROUND

The decision by this Office dated 29 January 2008 indicated that requirement (2) had not been satisfied.

On 25 April 2008, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by inventor Ron WOLF.

DISCUSSION

The renewed petition has an executed declaration signed by Ron WOLF. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 25 April 2008 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **25 April 2008.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Derk Vegter	: DECISION ON REQUEST FOR
Patent Number	: 7586213	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,548	: 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 **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

0 9 JUL 2008

DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO, MD 20772

In re Application of GURMAN et al	:	
U.S. Application No.: 10/599,598	:	
PCT Application No.: PCT/IL2005/000369	:	
Int. Filing Date: 03 April 2005	:	
Priority Date Claimed: 04 April 2004	:	DECISION
Attorney Docket No.: 1054/17	:	
For: APPARATUS AND METHOD FOR THE DETECTION OF ONE LUNG INTUBATION BY MONITORING SOUNDS	:	

This is in response to applicant's "Correction of Application Papers" filed 14 April 2008, which is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 03 April 2005, applicant filed international application PCT/IL2005/000369, which claimed priority of an earlier United States application filed 04 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 04 October 2006.

On 03 October 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 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 November 2007, applicant filed a declaration executed by four of the five named inventors.

On 20 March 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration was not executed by the fifth inventor.

On 14 April 2008, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

The present request for status states that the fifth inventor Arnon Cohen is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 06 November 2007 is not executed by the legal representative of the deceased inventor and does not contain the information required by 37 CFR 1.497(b)(2).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

2 7 AUG 2008

EMPK & SHILOH, LLP
C/O LANDON IP, INC.
1700 DIAGONAL ROAD
SUITE 450
ALEXANDRIA, VA 22314

In re Application of GURMAN et al	:	
U.S. Application No.: 10/599,598	:	
PCT Application No.: PCT/IL2005/000369	:	
Int. Filing Date: 03 April 2005	:	
Priority Date Claimed: 04 April 2004	:	DECISION
Attorney Docket No.: 1054/17	:	
For: APPARATUS AND METHOD FOR THE DETECTION OF ONE LUNG INTUBATION BY MONITORING SOUNDS	:	

This is in response to applicant's "Renewed Request for Status under 37 CFR 1.42" filed 07 August 2008.

BACKGROUND

On 03 April 2005, applicant filed international application PCT/IL2005/000369, which claimed priority of an earlier United States application filed 04 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 04 October 2006.

On 03 October 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 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 November 2007, applicant filed a declaration executed by four of the five named inventors.

On 20 March 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration was not executed by the fifth inventor.

On 14 April 2008, applicant filed a request for status under 37 CFR 1.42.

On 09 July 2008, this Office mailed a decision dismissing the 14 April 2008 request for status.

On 07 August 2008, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

The present request for status states that the fifth inventor Arnon Cohen is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 07 August 2008 is in compliance with 37 CFR 1.497 and 37 CFR 1.42.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 03 April 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 August 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
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Peder R. Pedersen	: DECISION ON REQUEST FOR
Patent Number	: 7667637	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/599,645	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

15 MAY 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

DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS MI 48304-5086

In re Application of	:	
BROUWER, Stefan Frits, et al.	:	
U.S. Application No.: 10/599,650	:	
Int'l Application: PCT/NL2005/000241	:	
Int'l Filing Date: 04 April 2005	:	
Priority Date: 05 April 2004	:	DECISION
Attorney Docket No.: 65445-038	:	
For: COMPOSITION OF PARTICLES FOR DAMPING VIBRATIONS, METHOD FOR ASSEMBLING A MIRROR ADJUSTMENT MECHANISM, AND MIRROR ADJUSTMENT MECHANISM	:	

This is a decision on applicant's petition to convert under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 03 November 2006.

BACKGROUND

On 04 October 2006, applicant filed the basic national fee for PCT/NL2005/000241.

On 03 November 2006, applicant filed a petition under 37 CFR 1.182 to convert the national phase filing into a filing under 35 USC 111(a).

DISCUSSION

A review of the above-captioned application file indicates it is a national phase filing under 35 U.S.C. 371.

Contrary to applicant's assertions, nothing in the originally filed paperwork indicates that this application is anything other than a filing under 35 USC 371. The filed does not contain conflicting instructions.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 to convert the application to a filing under 35 USC 111(a), is **DISMISSED** without prejudice.

If reconsideration on the merits is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision.

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.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing, in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

31 JUL 2007

Tristan A. Fuierer
Moore & Van Allen
P.O. Box, 13706
430 Davis Drive
Research Triangle Park, NC 27709

In re Application of BENTLEY, et al. Application No.: 10/599,657 PCT No.: PCT/EP05/12029 Int. Filing Date: 08 November 2005 Priority Date: 09 November 2004 Attorney Docket No.: 020884-000014 For: THERMALLY REACTIVE INFRARED ABSORPTION POLYMERS AND THEIR USE IN A HEAT SENSITIVE LITHOGRAPHIC PRINTING PLATE	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "Amendment Submitted Under 37 C.F.R. 1.48(a) Correcting The Inventorship In U.S. Application No. 10/599,657 " filed 13 June 2007 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/EP05/12029, which claimed priority of an earlier application filed 09 November 2004. A copy of the international application was transmitted to the USPTO by the International Bureau (IB) on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2007.

On 06 October 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 preliminary amendment.

On 13 June 2007, applicant filed the present petition to add My T. Nguyen as an inventor to the present application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all four items listed above and it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 08 November 2005 and will be given a date of **13 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

26 JUN 2007

24573
BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO IL 60690

In re Application of	:	
ITOH *et al*	:	
U.S. Application No.: 10/599,665	:	
PCT No.: PCT/JP2005/003655	:	**DECISION ON**
Int. Filing Date: 25 February 2005	:	**PETITION FOR REVIVAL**
Priority Date: 25 February 2004	:	**UNDER 37 CFR 1.137(b)**
Attorney Docket No.: 118105-002	:	
For: THIN FILM MATERIAL AND	:	
RECORDING MEDIUM	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 04 October 2006 is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee and the petition fee have been charged to Deposit Account No. 02-1818 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.

An executed declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was submitted on 01 November 2006.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

COPY MAILED
JAN 16 2009

Applicant: Finkler
Appl. No.: 10/599,679
International Filing Date: March 16, 2005
Title: MOTOR CONTROL DEVICE AND CORRESPONDING CONTROL METHOD
Attorney Docket No.: FINKLER-3
Pub. No.: US 2008/0042609 A1
Pub. Date: February 21, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 16, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the inventor's name "Finkler" is misspelled as "Finkeler".

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

The typographical error in the inventor's last name 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).

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

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

2 6 SEP 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Cognis Corporation
Patent Department
300 Brookside Avenue
Ambler, PA 19002

In re Application of ISSBERNER et al. Application No.: 10/599,682 PCT No.: PCT/EP05/03234 Int. Filing Date: 26 March 2005 Priority Date: 05 April 2004 Attorney Docket No.: C 2906 PCT/US For: SENSORY WAX FOR COSMETIC AND/OR PHARMACEUTICAL FORMULATIONS	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" to correct the name of the inventor identified in the international application as Catherine Mitchell to Catherine Weichold, the name listed on the declaration filed 30 July 2007. The $400 petition fee will be charged to counsel's Deposit Account No. 50-1177.

BACKGROUND

On 05 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; an unexecuted declaration; and a preliminary amendment.

On 29 May 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the translation submitted was defective in that the number of claims in the translation was different from the number of claims contained in the international application. Additionally, the Notification indicated 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 July 2007, applicant filed "Reply to Response to Notification of Missing Requirements and Transmittal of Declaration under 37 CFR 1.497."

DISCUSSION

Petition under 37 CFR 1.182

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

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

Here, applicant's submission included the authorization to charge Deposit Account No. 50-1177 for required fees. Based on this authorization, Deposit Account No. 50-1177 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted an "Affidavit" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Catherine Weichold as a result of marriage.

Translation of International Application

A review of the application reveals that applicant submitted a translation of the international application on 05 October 2006. Therefore, the Notification of Missing Requirements requiring a translation of the international application and a processing fee for providing the translation later than thirty months from the priority date was issued in error and hereby vacated.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Catherine Mitchell to Catherine Weichold is **GRANTED**.

Based on the above, the declaration filed 30 July 2007 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

14 SEP 2007

COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER PA 19002

In re Application of GONDEK et al. Application No.: 10/599,683 PCT No.: PCT/EP05/03235 Int. Filing Date: 26 March 2005 Priority Date: 05 April 2004 Attorney Docket No.: C 2907 PCT/US For: O/W GEL COMPOSITIONS COMPRISING WAX	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicants' "PETITION UNDER 37 CFR 1.182" to change the name of inventor filed in the United States Patent and Trademark Office (USPTO) on 25 July 2007. Applicants request that the application reflect joint inventor Catherine Mitchell's name change to Catherine Weichold. The $400 petition fee has been paid.

Applicant submitted the petition under 37 CFR 1.182 along with the declaration of Catherine Mitchell. The declaration states that Catherine Mitchell changed her name to Catherine Weichold upon her marriage. Thus, the evidence is sufficient to conclude that inventor Mitchell changed her name to Catherine Weichold.

For the above reasons, the declaration submitted on 25 July 2007 now meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The petition under 37 CFR 1.182 to change the inventor's name from Catherine Mitchell to Catherine Weichold is **GRANTED**.

The Notification of Acceptance mailed on 13 August 2007 remains in effect.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 11 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Lecanu et al.	:	DECISION ON PETITION
Application No. 10/599,704	:	TO WITHDRAW
Filed: October 3, 2007	:	FROM RECORD
Attorney Docket No. 1941.002US1	:	

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 22, 2009 and July 31, 2009.

The request is **APPROVED**.

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

The request was signed by Monique M. Perdok Shonka on behalf of all attorneys/agents of record who are associated with Customer Number 21186.

All attorneys/agents associated with Customer Number 21186 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Laurent Lecanu, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: LAURENT LECANU
MCGILL UNIVERSITY HEALTH CENTRE
AT BIOTECHNOLOGY RESEARCH INSTITUTE
6100 ROYALMOUNT AVENUE
MONTREAL QC H4P 2RS CA CANADA

2 4 JUN 2008

United States Patent and Trademark Office

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

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
Ikeda et al.	:	
Application No.: 10/599,706	:	
PCT No.: PCT/JP2005/006533	:	
Int. Filing Date: 28 March 2005	:	DECISION
Priority Date: 06 April 2004	:	
Attorney Docket No.: P30934	:	
For: Bending Apparatus	:	

This is with regard to the correspondence filed on 09 April 2008.

BACKGROUND

This international application was filed on 28 March 2005, designated the United States, and claimed an earliest priority date of 06 April 2004. The International Bureau transmitted a copy of the published international application to the USPTO on 20 October 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 06 October 2006. Applicants filed *inter alia* a small entity basic national fee on 05 October 2006.

On 08 February 2007, applicants filed *inter alia* a declaration.

On 05 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was transmitted to applicant, requiring an English translation, the processing fee under 37 CFR 1.492(i) and the surcharge under 37 CFR 1.492(h).

On 06 July 2007, applicants filed a response.

On 10 March 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), explaining that the "Third inventors name listed as Kazuhiro Kanno on declaration and as Kazuhiro Sugano on International Application. Please clarify."

DISCUSSION

Review of the record reveals that the published international application nominates "SUGANO, Kazuhiro" as the third inventor, whereas the declaration filed on 08 February 2007 names "Kazuhiro KANNO." Counsel explains this discrepancy as follows:

> However, SUGANO, Kazuhiro was a transliteration error (MPEP § 201.03(b)) in the English language version of the PCT application filed upon entering the national stage in the U.S. in this matter, and should have been listed as KANNO, Kazuhiro. Thus, Applicants respectfully submit that the executed Declaration, including the name of the inventor, KANNO, Kazuhiro, which was filed in the Office on February 8, 2007, is correct and should be accepted.

MPEP 605.04(b) explains in part that

> When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

In view of counsel's characterization of the discrepancy as arising from a transliteration error, and indication that the correct name is in fact Kanno, it would be appropriate to accept the spelling as Kanno, as it appears on the declaration filed on 08 February 2007.

However, further review of the declaration reveals that it does not appear to have been made on a dual language form provided by the USPTO. 37 CFR 1.69(b) provides that

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

In view of 37 CFR 1.69(b), applicants are required to provide a statement that the translation is accurate.

DECISION

The declaration filed on 08 February 2007 is **NOT ACCEPTED**, without prejudice, as described above..

A proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may **NOT** be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

2 6 SEP 2008

United States Patent and Trademark Office

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

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
Ikeda et al.	:	
Application No.: 10/599,706	:	
PCT No.: PCT/JP2005/006533	:	
Int. Filing Date: 28 March 2005	:	DECISION
Priority Date: 06 April 2004	:	
Attorney Docket No.: P30934	:	
For: Bending Apparatus	:	

This is with regard to the response filed on 24 July 2008.

DISCUSSION

In a Decision mailed on 24 June 2008, it was noted that the declaration filed on 08 February 2007 names "Kazuhiro KANNO" rather than "SUGANO, Kazuhiro" who was named in the published international application. It was also stated that

> In view of counsel's characterization of the discrepancy as arising from a transliteration error, and indication that the correct name is in fact Kanno, it would be appropriate to accept the spelling as Kanno, as it appears on the declaration filed on 08 February 2007.
>
> However, further review of the declaration reveals that it does not appear to have been made on a dual language form provided by the USPTO... In view of 37 CFR 1.69(b), applicants are required to provide a statement that the translation is accurate.

In response, counsel has provided a "Verification of Translation" signed by Yukiko Toyoda Buntin. The "Verification of Translation" states in part that "I am well acquainted with both the Japanese and English languages, and that the English text included in the declaration filed on February 8, 2007 for Application No.: 10/599,706 is an accurate translation, to the best of my knowledge and ability, of the Japanese language text included therein." In view of this statement, the requirements of 37 CFR 1.69(b) have now been satisfied. As such, it would now be appropriate to accept the declaration filed on 08 February 2007.

DECISION

The declaration filed on 08 February 2007 is **ACCEPTED**.

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 **06 July 2007** (the date the English translation of the international application was filed).

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

08 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of GREENBERG (Deceased) Application No.: 10/599,723 PCT No.: PCT/US05/11476 Int. Filing Date: 05 April 2005 Priority Date: 06 April 2004 Attorney Docket no.: 20151/1201061-US1 For: PARKING FACILITY	:	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's declaration filed in the United States Patent and Trademark Office (USPTO) on 21 December 2007 treated as a request under 37 CFR 1.42. Petitioner requests a five month extension of time, which is granted.

BACKGROUND

On 06 October 2006, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 May 2007, a Notification of Missing Requirements was mailed to applicant, indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 21 December 2007, applicant filed a declaration of the inventor, identifying the deceased sole inventor Mersh Greenberg and Bonnie Greenberg, as the legal heir/representative of deceased inventor along with the surcharge for filing the declaration after the thirty month period.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration does not identify the citizenship of Bonnie Greenberg, who indicates that she is the legal heir/representative of the deceased inventor. Citizenship is required under 37 CFR 1.497(b)(2). In addition, the declaration does not clearly state whether Bonnie Greenberg is the legal representative or whether she is an heir. If she is an heir, is she the sole heir? That is, there may be other heirs who are also required to sign the declaration. Since the declaration fails to identify the citizenship of the heir/legal representative and it is unclear whether Ms. Greenberg is the legal representative or the sole heir or if there are other heirs, the declaration is defective under 37 CFR 1.497(b).

The new declaration must state the relationship to the deceased inventor and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements for compliance with 37 CFR 1.497(a) and (b). Any person acting as a legal representative of a deceased inventor should ensure that he is properly acting in such capacity. If Ms. Greenberg is the sole heir, the declaration should so state. If there are other heirs, the declaration must identify these heirs, indicate their respective citizenship, residency and mailing address and be executed by these heirs. It is also noted that text is missing from the bottom of Page 2 of the declaration.

For the reasons stated above, a new declaration is required in compliance with 37 CFR 1.497 and 1.64. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

1 1 AUG 2008

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

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

In re Application of	:	
GREENBERG (Deceased)	:	DECISION ON
Application No.: 10/599,723	:	
PCT No.: PCT/US05/11476	:	REQUEST
Int. Filing Date: 05 April 2005	:	
Priority Date: 06 April 2004	:	UNDER 37 CFR 1.42
Attorney Docket no.: 20151/1201061-US1	:	
For: PARKING FACILITY	:	

This is a decision on applicant's request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 07 July 2008.

BACKGROUND

On 21 May 2007, a Notification of Missing Requirements was mailed to applicant, indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 21 December 2007, applicant filed a declaration of the inventor, identifying the deceased sole inventor Mersh Greenberg and Bonnie Greenberg, as the legal heir/representative of deceased inventor along with the surcharge for filing the declaration after the thirty month period.

On 08 May 2008, a decision was mailed indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b), because the declaration did not identify the citizenship of Bonnie Greenberg and was unclear as to whether Ms. Greenberg is the legal representative or the sole heir.

On 07 July 2008, applicant filed a newly executed declaration.

DISCUSSION

The new declaration states the relationship to the deceased inventor and states the

country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative. Thus the declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b) and 1.64. Accordingly, it is appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

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

The declaration by the legal representative for deceased inventor Mersh Greenburg, submitted on 07 July 2008 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 July 2008.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 APR 2008

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

00881
STITES & HARBISON PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314

In re Application of
BLOTT *et al*
U.S. Application No.: 10/599,725
PCT No.: PCT/GB2005/001595
Int. Filing Date: 27 April 2005
Priority Date: 27 April 2004
Attorney Docket No.: P9072US00/MP
For: APPARATUS FOR CLEANSING WOUNDS WITH MEANS FOR SUPPLY OF THERMAL ENERGY TO THE THERAPY FLUID

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 21 December 2007.

BACKGROUND

On 21 May 2007, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 21 December 2007, applicants filed the subject response which was accompanied by, *inter alia*, a five-month extension and fee; a declaration signed by three of the four joint inventors on behalf of the nonsigning inventor; a $130.00 surcharge fee; a $130.00 petition fee; and an affidavit by Martin Connors.

DISCUSSION

Applicants claim that co-inventor Julian Lee-Web refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) are satisfied in the petition.

Applicants submitted a $130.00 petition fee. The fee for a petition under 37 CFR 1.47 is $200.00. The difference of $70.00 has been charged to Deposit Account No. 12-0555 as authorized. The last known address of the nonsigning inventor was provided in the affidavit. An executed declaration signed by three of the four named inventors was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b).

Regarding item (2), the 37 CFR 1.47(a) applicants submitted an affidavit by Martin Connors, Patent Agent and Manager who claims that a copy of the declaration was sent to the last known address of the nonsigning inventor by mail on three different occasions. The mailings were not returned and no response has been received. As such, petitioners claim that Mr. Lee-Web refuses to cooperate.

This is not sufficient to meet item (2) of 37 CFR 1.47(a).

Section 409.03(d), II of the MPEP requires that when the 37 CFR 1.47 applicants conclude that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be provided in a statement of facts. Documentary evidence should also be provided. Here, the 37 CFR 1.47(a) applicants have not provided a statement of facts as required. The affidavit by Mr. Connors is not sufficient for this purpose. Moreover, applicants did not provide any documentary evidence such as copies of the letters sent to the nonsigning inventor and postal receipts.

In addition, the 37 CFR 1.47(a) applicants must also show that a complete copy of the application, including specification, claims and drawings was presented to the nonsigning inventor for a refusal to be accepted. In this case, the affidavit by Mr. Connors claims that only a declaration was mailed to the nonsigning inventor. This is clearly not sufficient for a refusal to be accepted.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

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

10/599,725

Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 4 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of BLOTT *et al* U.S. Application No.: 10/599,725 PCT No.: PCT/GB2005/001595 Int. Filing Date: 27 April 2005 Priority Date: 27 April 2004 Attorney Docket No.: P9072US00/MP For: APPARATUS FOR CLEANSING WOUNDS WITH MEANS FOR SUPPLY OF THERMAL ENERGY TO THE THERAPY FLUID	:	**DECISION**

This is a decision on the papers filed on 22 September 2008 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 29 April 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 22 September 2008, applicants filed the renewed petition which was accompanied by a three-month extension of time and fee and a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by all the inventors including the nonsigning inventor, Mr. Julian Lee-Web.

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C.

10/599,725

371(c). The application has an international filing date of 27 April 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 September 2008.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

0 4 JAN 2008

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA

In re Application of: WARUK, Jillian, et al.	:	
U.S. Application No.: 10/599,734	:	
PCT No.: PCT/CA2005/000547	:	DECISION ON PETITION
International Filing Date: 11 April 2005	:	
Priority Date: 09 April 2004	:	
Atty Docket No.: 82402-5802	:	
For: Identification of the Precise Amino Acid Sequence of the Epitope Recognized by the Potent Neutralizing Human Anti-Hiv-1 Monoclonal Antibody IGG1B12	:	

The present decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 28 November 2007.

BACKGROUND

On 11 April 2005, applicants filed international application PCT/CA2005/000547. The application claimed a priority date of 09 April 2004, and it designated the United States. On 20 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entry into the U.S. national stage and submission of the basic national fee was thirty months from the priority date, i.e., 09 October 2006.

On 06 October 2006, applicants filed materials to initiate the U.S national stage of international application PCT/CA2005/000547 including, among other materials, payment of the small entity basic national fee.

On 30 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 sequence listing materials. This Notification afforded applicants two months to file a proper response, and it indicated that the response period could be extended pursuant to 37 CFR 1.136(a).

On 12 June 2007, applicants filed a response to the Notification of Missing Requirements that included the required sequence listing materials.

On 27 September 2007, the DO/EO/US mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that applicants' 12 June 2007 response was defective for failure to include the required oath or declaration. This Notification afforded applicants one

month to file a proper response, and it indicated that the one month response period could not be extended pursuant to 37 CFR 1.136(a). However, the Notification did note that "the period of response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a)."

On 28 November 2007, applicants filed the petition for revival considered herein, accompanied by an executed declaration.

DISCUSSION

A review of the application file reveals that, at the time the present petition for revival was filed, the application was not abandoned. Specifically, the five-month extendable period of reply available with respect to the Notification of Missing Requirements mailed 30 April 2007 had not yet expired (such extendable response period did not expire until 30 November 2007).

Applicants' 28 November 2007 submission includes the final outstanding requirement of the Notification of Missing Requirements mailed 30 April 2007, i.e., a declaration in compliance with 37 CFR 1.497. Applicants have also submitted a payment of $770 as the small entity petition fee for the petition for revival. This payment will be applied to the five-month extension of time fee required for the 28 November 2007 filing to be considered a timely response to the Notification of Missing Requirements mailed 30 April 2007. The remaining $345 necessary to complete the extension fee will be charged to deposit account number 01-0310.

Based on applicants' 28 November 2007 submission of the executed declaration and applicants' payment of the five-month extension fee required to make such submission a timely response to the Notification of Missing Requirements mailed 30 April 2007, the present application never became abandoned. Accordingly, the present petition for revival is moot.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) filed 28 November 2007 is hereby **DISMISSED AS MOOT**.

Deposit Account No. 01-0310 will be charged the $345 necessary to complete the five-month extension fee required with respect to applicants' 28 November 2007 submission.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 November 2007.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,742	07/23/2007	Katsuya Tanoue	16359-064US1	3575

7590 11/04/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
11/04/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

In re Application of Garlich et. al. :
Application No. 10/599,748 :
Filing Date: October 6, 2006 :
Attorney Docket No. 050990.0201.02USCP :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2010, to revive the application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action issued April 29, 2009, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the application became abandoned on July 30, 2009. A Notice of Abandonment was issued January 28, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the non-final Office action in the form of an amendment. Petitioner has submitted the required petition fee of $810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition was accompanied by a payment of $555 for a three (3) month extension of time. Payment for extension of time is not required when reviving an application and has been credited back to deposit account 50-1662.

Technology Center Art Unit 1611 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Steven Brantley at (571) 272-3203 or in his absence to Amy Gandhi at (571) 272-6699.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 0 7 2009

OFFICE OF PETITIONS

THIENNA HO
236 WEST PORTAL AVE. #511
SAN FRANCISCO CA 94127

In re Application of	:	
Thienna Ho	:	
Application No. 10/599,779	:	DECISION ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. 70063.00004	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed January 21, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on April 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center 1611 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

13 APR 2007

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

Michael F. Brown
BROWN & MICHAELS, PC
400 M&T BANK BUILDING
118 NORTH TIOGA ST.
ITHACA, NY 14850

In re Application of	:	DECISION ON
BROWN, David C.	:	
Application No. 10/599,805	:	
PCT No.: PCT/US2004/031150	:	
Int. Filing Date: 22 September 2004	:	PETITION UNDER
Priority Date: 22 September 2003	:	
Attorney's Docket No.: SN1-11	:	
For: DIODE-PUMPED MICROLASERS INCLUDING	:	37 CFR §1.137(b) AND
RESONATOR MICROCHIPS AND METHODS	:	
FOR PRODUCING SAME	:	37 CFR §1.182

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 10 October 2006 and to Applicant's communication filed 08 January 2007 requesting the Office to correct USPTO records as to the number of the PCT application that is associated with national stage application 10/599,805. The 08 January 2007 communication has been treated as a petition under 37 CFR §1.182. The Petition under 37 CFR §1.137(b) identifies the Applicant as being entitled to small entity status. The small entity fee for the Petition under 37 CFR §1.137(b) in the amount of $750 was paid by deposit account 11 October 2006. The fee of $400 under 37 CFR §1.17(f) for the petition under 37 CFR §1.182 will be charged to Applicant's deposit account as authorized in that petition.

BACKGROUND

The above-identified international application has a priority date of 22 September 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 to avoid abandonment. In the instant application, the thirty-month date would be 22 March 2006. The instant application became abandoned as to the United States on 23 March 2006 for failure to pay the basic national fee.

On 10 October 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) including the required fees. The 10 October 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 small entity petition fee of $750 as provided for in 37 CFR §1.17(m).

On 08 January 2007, Applicant submitted the petition under 37 CFR §1.182 along with deposit account authorization for the required fee and copies of documents that were filed with the USPTO at the filing of the national stage application 10/599,805.

DISCUSSION

I. Petition Under 37 CFR §1.182

Applicant's communication of 08 January 2007 requests the Office of PCT Legal Administration to resolve the discrepancy between the PCT application number identified on the electronic acknowledgement receipt, i.e. PCT/US04/03115, and the PCT application number identified in the national stage documents filed 10 October 2006, i.e. PCT/US04/31150. Because the electronic acknowledgement receipt reflects data input by applicant, the request has been treated as a petition under 37 CFR 1.182. With the petition under 37 CFR §1.182, Applicant has submitted copies of the Declaration and Power of Attorney for the national stage application; a copy of the Transmittal Letter (Form PTO-1390) for the national stage application; the Petition to Revive under 37 CFR §1.137(b) for the national stage application; and the Application Data Sheet for the national stage application. Each of these documents identifies the corresponding PCT application number as PCT/US2004/031150. It is further noted that the title of PCT/US2004/031150 is identical to the title of national stage application 10/599,805, and that the title of PCT/US2004/03115 is totally different from the title of the national stage application 10/599,805. This evidence is sufficient to establish that the submission filed 10 October 2006 should be processed as the U.S. national phase application of the international application number PCT/US2004/031150.

II. Petition Under 37 CFR §1.137(b)

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 (small entity) of $150, has submitted the petition fee (small entity) of $750, 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 37 CFR §1.137(b) was unintentional. No terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.182 is hereby **GRANTED**.

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

It is noted that the "Notice of Acceptance of Application under 35 USC 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) was mailed prematurely, i.e., prior to the decision on the petition under 37 CFR 1.137(b). In view of the decision rendered herein, the previously mailed "Notice of Acceptance of Application under 35 USC 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) is hereby ratified.

This application is being forwarded to the appropriate Technology Center to await examination in due course.

Bernarr Gregory
Office of PCT Legal Administration
Tel.: (571) 272-6094
FAX: (571) 273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

26 JUN 2007

Adam F. Cox
Baker & Daniels, LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802

In re Application of	:	
KESSLER, et al.	:	
U.S. Application No.: 10/599,807	:	
PCT No.: PCT/EP05/05632	:	
Int. Filing Date: 25 May 2005	:	REQUEST FOR REFUND
Priority Date: 29 May 2004	:	
Attorney Docket No.: SAW0033	:	
For: GLASS COMPOSITIONS AS AN ANTI-MICROBIAL ADDITIVE FOR DENTAL MATERIALS	:	

This decision is in response to applicant's "Refund Request Under 37 CFR § 1.26" filed 20 November 2006 in the United States Patent and Trademark Office (USPTO). The request is **GRANTED**.

Applicant electronically filed an application on 10 October2006 intending it to be a U.S. National stage entry under 35 U.S.C. 371 and inadvertently selected the "utility application" radio button. This application was assigned serial number 11/548,041. Applicant then filed the present application. Applicant seeks a refund of the fees paid in application 11/548,041. The request is granted. A review of the fee record for application 11/548,041 finds that fees totaling $2150.00 were refunded to deposit account 02-0385 on 15 May 2007.

This application is being returned to the U.S. National Stage Processing Division for forwarding to the appropriate Group Art Unit for examination.

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

DeMont & Breyer, LLC
Suite 250
100 Commons Way
Holmdel, NJ 07733

COPY MAILED

APR 23 2009

OFFICE OF PETITIONS

In re Application of Henkel et al. :
Application No. 10/599,812 : Decision on Petition
Filing Date: October 10, 2006 :
Attorney Docket No. 9771-015US :

This is a decision on the petition under 37 CFR 1.137(a), filed January 21, 2009, to revive 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. No further petition fee is required for the request. 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(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office mailed a non-final Office action on March 18, 2008. The Office did not receive a reply to the Office action. As a result, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed on October 16, 2008.

Petitioner requests the application be revived pursuant to 37 CFR 1.137(a). Petitioner states the delay in responding to the March 18, 2008 Office action was unavoidable because the Office action was never received.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:

(1) State that the Office action was not received,
(2) State the system used for recording USPTO correspondence at the address of record,
(3) State a search of the file jacket or the equivalent has been made,
(3) State a search of all relevant docket records has been made, and
(4) Include a copy of the record(s) used by practitioner where the non-received Office action would have been entered had it been received.

In addition to the items above, the petition must include a copy of the relevant part of the firm's master docket or state a master docket does not exist. The relevant part of the master docket is

the part showing replied docketed for the due date set forth in the Office action or Notice that was not received by a petitioner. For example, 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 should be submitted. if a master docket does not exist, a petitioner should explicitly state a master docket does not exist and provide additional 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 failed to provide the evidence necessary to prove non-receipt of the Office action. Therefore, the petition cannot be granted.

Any renewed petition under 37 CFR 1.137(a) should include the showing necessary to prove non-receipt of the March 18, 2008 Office action.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, 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 (already submitted), the required petition fee ($1,620 for a large 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" version of a petition under 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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DeMont & Breyer, LLC
Suite 250
100 Commons Way
Holmdel, NJ 07733

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of Henkel et al. :
Application No. 10/599,812 :
Filing Date: October 10, 2006 :
Attorney Docket No. 9771-015US :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed June 24, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a non-final Office action on March 18, 2008. The Office did not receive a reply to the Office action. As a result, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed on October 16, 2008.

Petitioner requests the application be revived pursuant to 37 CFR 1.137(a).

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
(4) A terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

A reply to the outstanding non-final Office action was filed January 21, 2009. The petition fee of $540 was paid January 21, 2009. The instant petition includes a showing demonstrating the delay was unavoidable.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a).

Technology Center Art Unit 2836 will be informed of the instant decision and the application, including the amendment filed January 21, 2009, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Barnes & Thornburg LLP
P.O. Box 2786
Chicago, IL 60690-2786

COPY MAILED

AUG 13 2008

In re Application of	:	
Desmond Ebenezer, et al.	:	
Application No. 10/599,843	:	DECISION ON PETITION
Filed: May 30, 2007	:	TO WITHDRAW
Attorney Docket No. 920629-104211	:	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 15, 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 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, ***file responsibility was transferred to the attorneys/agents associated with customer number 24628***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Husch Blackwell Sanders, LLP**
Welsh & Katz
120 S Riverside Plaza
22nd Floor
Chicago, IL 60606

3 0 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IPLA P.A.
3580 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of	:
Fijeau Kim	:
Application No.: 10/599,853	: DECISION ON PETITION
PCT No.: PCT/KR05/01032	:
Int. Filing: 11 April 2005	:UNDER 37 CFR 1.182
Priority Date: 13 April 2004	:
Attorney Docket No.: 2088-001	:
For: A MACHINE INTERFACED COFFEE PODS	:
INCLUDING O-RING AND A BREWING METHOD	:
THEREOF	:

This application is before the PCT Legal Office for consideration of applicant's Request of Inventor's Name Correction filed on 11 October 2006 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

Applicant requests the correction of the inventor's name. Applicant explains the error in the inventor's name is typographical. The declaration filed with the request is in compliance with 37 CFR 1.66 or 1.68. [1]

Applicant indicates that the correct inventor's name is Fijeau Kim as indicated in the declaration filed 11 October 2006 rather than Kim Fijeau, as incorrectly indicated in the international application as the result of a typographical error (the first and last name were reversed).

Applicants' explanation of the difference in the order of Fijeau Kim's name is accepted and noted for the record.

---

[1]Section 201.03 of the Manual of Patent Examining Procedure states 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 to correct the name of the inventor.

For the reasons above, the Request is **GRANTED**. No petition fee is required.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 October 2006.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW FIRM OF NAREN THAPPETA
C/O LANDON IP, INC.
1700 DIAGNAL RD., SUITE 450
ALEXANDRIA, VA 22314

COPY MAILED

SEP 02 2008

Applicant: Thakkar
Appl. No.: 10/599,854
International Filing Date: April 7, 2005
Title: FLEXIBLE NAIL ASSEMBLY FOR FRACTURES OF LONG BONES
Attorney Docket No.: TKKR-001
Pub. No.: 2007/0173834 A1
Pub. Date: July 26, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on September 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 application was published with only 12 claims, but the application was filed with 17 claims.

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

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the printing only 12 claims. The instant application is a National Stage entry of a PCT application and it was correctly printed with 12 claims as 12 claims are currently pending in the application. The application was original filed with claims 1-16, which were amended and replaced with claims 1-12 via an Article 19 amendment.

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

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on September 4, 2007 may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW FIRM OF NAREN THAPPETA
C/O LANDON IP, INC.
1700 DIANGNAL RD, SUITE 450
ALEXANDRIA, VA 22314

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

Applicant: Thakker
Appl. No.: 10/599,855
International Filing Date: April 7, 2005
Title: IMPLANT ASSEMBLY FOR PROXIMAL FEMORAL FRACTURE
Attorney Docket No.: TKKR-002
Pub. No.: 2007/0219636 A1
Pub. Date: September 20, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 3, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication does not include the content of the application as deposited for example the publication has 26 claims, however the application as filed has 62 claims.

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

The error noted by requestor with respect to the substitute claims and specification is not an Office error. Applicants did not follow the proper procedures and amendment format to amend the IA application when entering the national stage. See 37 CFR 1.121 and 1.125. The patent application publication does not include a mistake regarding the failure to include improperly submitted substitute claims and specification. Furthermore, patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a). [2]

---

[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).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on October 3, 2007, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Law Firm of Naren Thappeta
c/o Landon IP, Inc.
1700 Diagonal Road, Suite 450
Alexandria, VA 22314

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Navin N. Thakkar	:	
Application No. 10/599,855	:	DECISION ON PETITION
Filed: October 11, 2006	:	TO WITHDRAW
Attorney Docket No. TKKR-002	:	FROM RECORD
	:	

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

All future correspondence will be directed to the first named inventor Navin N. Thakkar at the address indicated below.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Thakkar N. Navin**
39/B, Hindu Colony, Opp. Sardar Patel Stadium
Navrangpura, Abmedabad
Gujarat, 380009
India

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
10/599,855	10/11/2006	Navin N. Thakkar	TKKR-002

CONFIRMATION NO. 5789

POWER OF ATTORNEY NOTICE

26392
LAW FIRM OF NAREN THAPPETA
C/O LANDON IP, INC.
1700 DIAGONAL ROAD, SUITE 450
ALEXANDRIA, VA 22314

OC000000036139952

Date Mailed: 05/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/16/2009.

- 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.

/tswilliams/

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

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

Barnes & Thornburg LLP
P.O. Box 2786
Chicago, IL 60690-2786

COPY MAILED

AUG 20 2008

In re Application of	:	
John S. Vondenstein, et al.	:	
Application No. 10/599,873	:	DECISION ON PETITION
Filed: October 12, 2006	:	TO WITHDRAW
Attorney Docket No. 926512-104175	:	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 18, 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 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, ***file responsibility was transferred to the attorneys/agents associated with Customer Number 24628***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Husch Blackwell Sanders, LLP**
Welsh & Katz
120 S Riverside Plaza
22nd Floor
Chicago, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY AB T2M 0S7 CA CANADA

COPY MAILED

MAR 20 2008

OFFICE OF PETITIONS

In re Application of
HANSZMANN, Sandra M.
Application No. 10/599,895
Filed: October 12, 2006
Attorney Docket No. **AP119-06**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2007.

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

A review of the file record indicates that the power of attorney to David A. Guerra of **INTERNATIONAL PATENT GROUP, LLC** has been revoked by the applicant of the patent application on March 4, 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: **MARK G. KACHIGIAN**
HEAD JOHNSON & KACHIGIAN
228 WEST 17TH PLACE
TULSA, OKLAHOMA 74119

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 23 2007

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

In re Application of Estelle Bonnet et al Serial No.: 10/599,909 Filed: October 13, 2006 Attorney Docket No.: 1759.236	DECISION ON PETITION

This letter is in response to the Petition under 37 CFR 1.181 requesting restarting of a period for reply and a new Office action, filed October 31, 2007.

BACKGROUND

A review of the file history shows that this application was filed October 13, 2006, as the National stage application of PCT/FR05/50180. A preliminary amendment filed with this application amended claims 1-11 to place them in proper form and added claims 12-20.

The examiner mailed a first Office action to applicants on October 5, 2007, setting a one month shortened statutory period for reply and setting forth an election of species requirement with respect to claims 10 and 11. The action indicates claims 1-11 are pending rather than claims 1-20.

This petition was filed October 31, 2007 indicating that the Office action was incomplete in not addressing claims 12-20.

DISCUSSION

Applicants are correct in that the examiner failed to review the correct set of claims. A review of the original and amended claim sets, both filed the sat the same time, shows that claims 1-11 have been amended to remove improper multiple dependency and have been rewritten to clarify that they are method claims. Added claims 12-20 either depend on one of claims 1-11 or are directed to the product produced by the method claimed. It is also noted that the election of species requirement set forth by the examiner is directed only to claims 10 and 11 which now depend from claim 8 and is unaffected by added claims 12-20. Thus applicants' ability to properly reply to the Office action which requires solely an election of species from claims 10 and 11 is not prevented or impaired by the examiner's failure to include claims 12-20 in the requirement.

DECISION

The renewed petition is **DENIED**.

Applicants remain under obligation to reply to the Office action mailed October 5, 2007, within the time period set therein or as extended under 37 CFR 1.136(a).

Should there be any questions regarding this decision, please contact Special Program Examiner William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0519 or by Official Fax at 571-273-8300

Bruce M. Kisliuk
Director, Technology Center 1600

06 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ballard Spahr Andrews & Ingersoll, LLP
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

In re Application of
STOCKER et al.
Application No.: 10/599,942
PCT No.: PCT/EP05/03978
Int. Filing Date: 15 April 2005
Priority Date: 15 April 2004
Attorney Docket No.:21127.0006U1
For: DIAGNOSIS OF INFLAMMATORY BOWEL DISEASES, MORE PARTICULARLY ULCERATIVE COLITIS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 to Change Inventor's Name on Patent Application" dated 13 November 2007 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Petitioner is requesting to change the name of the second inventor from Swantje Kohler to Swantje Mindorf. The $400 petition fee has been submitted.

BACKGROUND

On 13 October 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 a copy of the international application.

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

On 30 May 2007, applicants filed an executed declaration.

On 22 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the second inventor (Swantje Mindorf) was not identified by the name listed on the international application.

On 13 November 2007, applicants filed "Petition under 37 CFR 1.182 to Change Inventor's Name on Patent Application."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

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

Here, applicants' submission included the $400 petition fee, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an affidavit regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Swantje Mindorf as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Swantje Kohler to Swantje Mindorf is **GRANTED**.

Based on the above, the declaration filed 30 July 2007 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Lecanu et al.	:	DECISION ON PETITION
Application No. 10/599,952	:	TO WITHDRAW
Filed: October 3, 2007	:	FROM RECORD
Attorney Docket No. 1941.001US1	:	

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 22, 2009 and July 31, 2009.

The request is **NOT APPROVED**.

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.*

As there is currently no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

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

COPY MAILED
MAR 15 2010

In re Application of	:	
Lecanu et al.	:	DECISION ON PETITION
Application No. 10/599,952	:	TO WITHDRAW
Filed: October 3, 2007	:	FROM RECORD
Attorney Docket No. 1941.001US1	:	

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 13, 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 Monique M. Perdok Shonka on behalf of all attorneys/agents of record who are associated with Customer Number 21186.

All attorneys/agents associated with Customer Number 21186 have been withdrawn. Applicant(s) is/are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Laurent Lecanu, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: LAURENT LECANU
2 PLACE DES JARDINS DES VOSGES
APT. 209
MONTREAL QC H3E 2B2 CA CANADA

1 1 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
O'Neill, Dan et al.	:	
Application No.: 10/599,960	:	
PCT No.: PCT/IB2004/002216	:	
Int. Filing Date: 06 July 2004	:	DECISION
Priority Date: None	:	
Docket No.: KSR-11502/08	:	
For: SUPPORT BRACKET WITH AN INTEGRATED SWITCH FOR A PEDAL ASSEMBLY	:	

Applicants' Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 16 October 2006 is **MOOT**.

On 06 July 2004, applicants filed international application PCT/IB2004/002216. The application does not contain a priority claim. The deadline for payment of the basic national fee in the United States was 08 January 2007 (06 January 2007 was a Saturday).

On 16 October 2006, applicants submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

The basic national fee was paid prior to the expiration of thirty months from the priority date. The application is not abandoned. The $1500 petition fee will be refunded to deposit account no. 07-1180, 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) and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PROCOPIO, CORY, HARGREAVES
& SAVITCH LLP
530 B. STREET, SUITE 2100
SAN DIEGO, CA 92101

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Anne BUTTERLY, et al	:	
Application No. 10/599,977	:	DECISION ON PETITION
Filed: February 21, 2008	:	TO WITHDRAW
Attorney Docket No. 114157-0002US	:	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 **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 Samuel S. Lee on behalf of the attorneys of record associated with Customer No. 27189.

The attorneys of record associated with Customer No. 27189 have been withdrawn.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ANNE BUTTERLY
NEWRY ROAD,
DUNDALK, CO. LOUTH
IRELAND

cc: AMY BUTTERLY
C/O MICHAEL LUCEY,
5 DARTMOUTH ROAD
DUBLIN 6
IRELAND

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

MAILED

APR 30 2009

OFFICE OF PETITIONS

In re Application of:	:	
Haas et al.	:	
Application No. 10/599985	:	DECISION GRANTING
Filing or 371(c) Date: 10/16/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND SYSTEM	:	
FOR DRUG SCREENING	:	

This is in response to a Petition Pursuant to 37 CFR § 1.47(a), filed March 17, 2009, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This reissue application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the legal representative of the non-signing inventor, Susan Hertz, refuses to join in the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this reissue application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may 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

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

MRS. SUSAN HERTZ
5230 ROME COURT
BURLINGTON, ONTARIO, Canada L7L 7B7

MAILED

APR 30 2009

OFFICE OF PETITIONS

In re Application of:	:	
Haas et al.	:	
Application No. 10/599985	:	LETTER
Filing or 371(c) Date: 10/16/2006	:	
Title of Invention:	:	
METHOD AND SYSTEM	:	
FOR DRUG SCREENING	:	

Dear Mrs. Hertz:

You are named as the legal representative of 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 the legal representative of a joint inventor.

As the legal representative of 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) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DR. HAROLD D. FOSTER
1543 ASH ROAD
VICTORIA BC V8N 2-59 CA CANADA

COPY MAILED
DEC 14 2006
OFFICE OF PETITIONS

In re Application of
Harold Douglas Foster :
Application No. 10/600,028 : ON PETITION
Filed: June 23, 2003 :
Title of Invention: **PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY NUTRITIONAL METHODS** :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed April 3, 2006, 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.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed December 30, 2003. Accordingly, a Notice of Abandonment was mailed February 14, 2006.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks items (1) and (2) of the regulation.

---

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

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

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

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

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

The Notice mailed December 30, 2003 required the submission of replacement compact disks (CDs), properly labeled. A review of the file does not reveal that such CDs were included with the instant petition to revive as the instant petition was filed by facsimile transmission and notes that both the petition and the CDs were to be delivered by courier.

Additionally, with respect to the fees, the instant petition filed by facsimile transmission included a copy of a money order in the amount of $750.00 for what we would presume was to pay the petition fee. If that money order was included with the petition and CDs to be delivered by courier, it also is not of record as having been received.

In view of the above, the application will remain in an abandoned status until such time as the replacement CDs, properly labeled and the petition fee in the amount of $750.00 have been filed.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

FEB 23 2007

OFFICE OF PETITIONS

DR. HAROLD D. FOSTER
1543 ASH ROAD
VICTORIA BC V8N 2-59 CA CANADA

In re Application of
Harold Douglas Foster :
Application No. 10/600,028 : ON PETITION
Filed: June 23, 2003 :
Title of Invention: **PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY NUTRITIONAL METHODS** :

This is a decision on the renewed petition under 37 CFR 1.137(b),[1] filed January 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed December 30, 2003. Accordingly, a Notice of Abandonment was mailed February 14, 2006. A petition filed April 3, 2006 under 37 CFR 1.137(b) was dismissed in a decision mailed December 13, 2006 because the petition fees were deficient and replacement CDs were not included.

Comes now petitioner with the instant renewed petition and the proper response to the Notice to File Missing Parts. All other requirements having been met, this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:
(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.
(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT H. BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA BC V8V 3K5 CA CANADA

COPY MAILED
SEP 12 2008
OFFICE OF PETITIONS

In re Application of :
Harold Douglas Foster :
Application No. 10/600,028 :
Filed: June 23, 2003 :
Attorney Docket No. HMT01/3619/US :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 6, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1) above.

The "amendment" submitted with the petition is unacceptable as drafted and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the instant petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52

states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or an appropriate amendment is required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT H BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA BC V8V 3K5 CA CANADA

COPY MAILED
JAN 05 2009
OFFICE OF PETITIONS

In re Application of	:	
Harold Douglas Foster	:	
Application No. 10/600,028	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. HMT01/3619/US	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 18, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts, mailed March 4, 2008. This Notice set an extendable period for reply of two (2) months for applicant to correct an error with respect to a compact disc submitted with the application filing on June 23, 2003. A Notice of Abandonment was mailed on October 9, 2008, stating that no reply had been received.

Petitioner argues, and a review of the application confirms, that he timely filed a response on May 1, 2008. In applicant's response, he explained that the compact disc was submitted in error, explained that it did not contain any information that is not in the paper specification, and requested withdrawal of the compact disc.

In view of the above, it is obvious that the Notice of Abandonment was mailed in error.

Accordingly, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for processing using the response filed May 1, 2008, in which applicant requested withdrawal of the compact disc.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT H. BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA BC V8V 3K5 CA CANADA

COPY MAILED

JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Harold Douglas Foster	:	
Application No. 10/600,028	:	DECISION ON PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. HMT01/3619/US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed October 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on June 23, 2003, within twelve months of the filing date of the prior-filed provisional application, Application No. 06/390,509, which was filed on June 24, 2002, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C.

§ 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

It is noted that an Updated Filing Receipt was mailed on January 12, 2009; however at present, the filing receipt improperly includes a priority claim to the prior-filed provisional application.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT H. BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA BC V8V 3K5 CA CANADA

MAILED

MAY 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Harold Douglas Foster	:	
Application No. 10/600,028	:	DECISION ON PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. HMT01/3619/US	:	

This is a decision on the renewed petition, filed March 3, 2009, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1616 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/600,028	06/23/2003	1616	375	HMT01/3619/US	3	1

CONFIRMATION NO. 1326

CORRECTED FILING RECEIPT

22433
ROBERT H. BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA, BC V8V 3K5
CANADA

OC000000035784671

Date Mailed: 05/04/2009

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)

Harold Douglas Foster, Victoria, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 22433

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/390,509 06/24/2002

Foreign Applications

If Required, Foreign Filing License Granted: 11/03/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/600,028**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Protocol for AIDS prevention and treatment by nutritional methods

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 12-04

Paper No: __

MOSER, PATTERSON
& SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD/SUITE 1500
HOUSTON TX 77056-6582

COPY MAILED

DEC 16 2004

OFFICE OF PETITIONS

In re Application of
Hill, et al. :
Application No. 10/600,037 : ON PETITION
Filed: 20 June, 2003 :
Attorney Docket No. TEJ/00004 :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 20 June, 2003.

The Office regrets the delay in addressing this matter, but it was received in the Office of Petitions only at this writing.

The petition is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the application was filed on 20 June, 2003, without, *inter alia*, a fully executed oath or declaration; and

- contemporaneously with the filing of the application and, therefore, prior to the mailing of a Notice to File Missing Parts, Petitioner filed the instant petition;

- the 20 June, 2003, petition under 37 C.F.R. §1.47, (filed with, *inter alia*, an oath/declaration signed by named inventors Hill, Simpson and Hodge, but without the signature of Thomas Michael Deaton (Mr. Deaton), and narrative by Petitioner William B. Patterson (Reg. No. 34,102) and Peter L. Brewer (Reg. No. 41,636) and named co-inventor and assignee president Hill and additional documentation evidencing that the entire application was transmitted to the non-signing inventor at his last known addresses, but that he failed to respond positively to the request that he sign the declaration or in fact sign said declaration.

Notably, the petition fails to state the last known address of the non-signing inventor.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
>
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:

(1)Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Thus, not only must copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application--and evidence of that transmittal submitted (a reasonable effort must be made to ascertain a current or last known address)–but also the petition must state over the signature and registration number of the Petitioner the last know address (and, if appropriate, evidence of the due diligence effort ascertaining same).

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[1]

CONCLUSION

Therefore, the instant petition must be and hereby is **dismissed**.

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

By mail: Commissioner for Patents[2]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306 (IFW Formal Filings)
ATTN.: Office of Petitions

---

[1] See: MPEP 409.03(b).

[2] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

By hand: Mail Stop: Petition
Customer Service Window
Lobby/Room 1B03
Crystal Plaza Two
220 20th Street S.
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 07-05

Paper No: __

MOSER, PATTERSON
& SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD/SUITE 1500
HOUSTON TX 77056-6582

COPY MAILED

JUL 0 5 2005

OFFICE OF PETITIONS

In re Application of
Hill, et al. :
Application No. 10/600,037 : ON PETITION
Filed: 20 June, 2003 :
Attorney Docket No. TEJ/00004 :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 21 March, 2005, seeking reconsideration following the 16 December, 2004, dismissal

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 20 June, 2003, without, *inter alia*, a fully executed oath or declaration; and contemporaneously with the filing of the application and, therefore, prior to the mailing of a Notice to File Missing Parts, Petitioner filed the original petition;

- the 20 June, 2003, petition under 37 C.F.R. §1.47, (filed with, *inter alia*, an oath/declaration signed by named inventors Hill, Simpson and Hodge, but without the signature of Thomas Michael Deaton (Mr. Deaton), and narrative by Petitioner William B. Patterson (Reg. No. 34,102) and Peter L. Brewer (Reg. No. 41,636) and named co-inventor and assignee president Hill and additional documentation evidencing that the entire application was transmitted to

the non-signing inventor at his last known addresses, but that he failed to respond positively to the request that he sign the declaration or in fact sign said declaration, however, the petition was dismissed for failing to state the last known address of the non-signing inventor;

- the deficiency has been cured with the instant petition.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH/INTEL
PO BOX 2938
MINNEAPOLIS, MN 55402

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

In re Application of
Louis A. LIPPINCOTT
Application No. 10/600,047
Filed: June 19, 2003
Attorney Docket No. 884.898US1

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 11, 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 Gregg A. Peacock on behalf of all attorneys of record who associated with customer No. 45457.

All attorneys/agents associated with Customer Number 45457 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

There is an outstanding Office action mailed May 21, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: LOUIS A. LIPPINCOTT
720 ANDERSON DRIVE
LOS ALTOS, CA 94024

cc: CATHY DIKES
M/S LF2 4040 LAFAYETTE
CENTER DRIVE
CHANTILLY, VA 20151

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN, LUNDBERG,
WOESSNER & KLUTH/INTEL
PO BOX 2938
MINNEAPOLIS, MN 55402

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

In re Application of
Louis A. LIPPINCOTT
Application No. 10/600,048
Filed: June 19, 2003
Attorney Docket No. 884.899US1

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 11, 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 Gregg A. Peacock on behalf of all attorneys of record who associated with customer No. 45457.

All attorneys/agents associated with Customer Number 45457 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 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 Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: LOUIS A. LIPPINCOTT
720 ANDERSON DRIVE
LOS ALTOS, CA 94024

cc: CATHY DIKES
M/S LF2 4040 LAFAYETTE
CENTER DRIVE
CHANTILLY, VA 20151

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
10/600,048	06/19/2003	Louis A. Lippincott	884.899US1

CONFIRMATION NO. 6019

OC000000024315336

45457
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/Intel
PO BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 06/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/11/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Diane Goodlow

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Medtronic
Attn: Noreen C. Johnson, IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: Aaron Kelly	: DECISION ON REQUEST FOR
Patent Number	: 7601174	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,052	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEGAL DEPARTMENT INTELLECTUAL PROPERTY
KINETIC CONCEPTS, INC.
P. O. BOX 659508
SAN ANTONIO, TX 78265-9508

COPY MAILED

JUL 19 2007

OFFICE OF PETITIONS

In re Application of	:
Cesar Z. Lina et al	:
Application No. 10/600,061	: DECISION ON PETITION
Filed: June 20, 2003	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VAC.567.1.US	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 6, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional Application No. 60/128,567, filed April 9, 1999.

The petition is **DISMISSED.**

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

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

The petition fails to comply with item (1). In this regard, the petition is not accompanied by an amendment, which amends the first line of the specification following the title to include a reference to the prior-filed applications. The amendment should be made in a separate paper and comply with the provisions of 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that

each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Before the petition can be granted, a renewed petition under 37 CFR 1.78(a)(2), along with a proper reference to the prior-filed applications as noted above, must be submitted.

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

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

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

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

Correspondence regarding this decision may also be filed through the Electronic Filing System of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.78(a)(6).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
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

LEGAL DEPARTMENT INTELLECTUAL PROPERTY
KINETIC CONCEPTS, INC.
P. O. BOX 659508
SAN ANTONIO, TX 78265-9508

COPY MAILED

OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of	:
Cesar Z. Lina et al	:
Application No. 10/600,061	: DECISION ON PETITION
Filed: June 20, 2003	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VAC.567.1.US	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed August 8, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional Application No. 60/128,567, filed April 9, 1999.

The petition is **GRANTED.**

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3761 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/600,061	06/20/2003	3761	880	VAC.567.1.US	11	2

CONFIRMATION NO. 5656

CORRECTED FILING RECEIPT

OC000000026077353

60402
KINETIC CONCEPTS, INC.
ATTN: LEGAL DEPARTMENT INTELLECTUAL PROPERTY
P.O. BOX 659508
SAN ANTONIO, TX 78265

Date Mailed: 09/28/2007

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

Applicant(s)

Cesar Z. Lina, Universal City, TX;
Keith Heaton, Poole, UNITED KINGDOM;
Royce Johnson, Universal City, TX;

Power of Attorney: The patent practitioners associated with Customer Number **60402**.

Domestic Priority data as claimed by applicant

This application is a CON of 09/545,339 04/07/2000 PAT 6,695,823
which claims benefit of 60/128,567 04/09/1999

Foreign Applications

If Required, Foreign Filing License Granted: 09/12/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/600,061

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Wound therapy device

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUINN LAW GROUP, PLLC
39555 ORCHARD HILL PLACE
SUITE # 520
NOVI MI 48375

COPY MAILED
MAR 01 2010

In re Application of	:	
Joao Jose Cardinali Ieda	:	
Patent No. 7,070,116	:	NOTICE
Application No. 10/600,086	:	
Filed: June 20, 2003	:	
Attorney Docket No. WAH0103PUS		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JUL 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
David W. Gohl, et al.	:	
Application No. 10/600,091	:	DECISION ON PETITION
Filed: June 20, 2003	:	TO WITHDRAW
Attorney Docket No. 163.1769US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed January 22, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Sarah M. Monfeldt on behalf of herself.

All other attorneys/agents associated with this application remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed January 17, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-07

KENNETH A. RODDY
2916 WEST T.C. JESTER
SUITE 100
HOUSTON TX 77018

COPY MAILED

MAY 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Alan Perkins	:	
Application No. 10/600,114	:	
Filed: 20 June, 2003	:	
Reissue of Patent No. 6,253,198	:	
Issued: 26 June, 2001	:	LETTER
Application No. 09/309,681	:	
Filed: 11 May, 1999	:	
For: PROCESS FOR MAINTAINING	:	
ONGOING REGISTRATION FOR PAGES	:	
ON A GIVEN SEARCH ENGINE	:	

This letter is in response to the "REQUEST FOR SUPERVISORY AUTHORITY TO DETERMINE STATUS" filed on 18 May, 2007.

Petitioner requests information into the status of a petition to accept an unintentionally delayed maintenance fee filed under 37 CFR 1.378(c) in U.S. Patent No. 6,253,198, of which the present application is a reissue.

The petition under 37 CFR 1.378(c) in the prior-filed application has been granted, and a copy of the decision granting the petition is enclosed for petitioner's records.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Decision mailed 30 May, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-07

Paper No.

STEPHEN E FELDMAN PC
12 EAST 41ST STREET
NEW YORK NY 10017

COPY MAILED

MAY 30 2007

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,253,198 :
Issued: 26 June, 2001 :
Application No. 09/309,681 :
Filed: 11 May, 1999 :
For: PROCESS FOR MAINTAINING :
ONGOING REGISTRATION FOR PAGES :
ON A GIVEN SEARCH ENGINE :

This is a decision on the petition under 37 CFR 1.378(c),[1] filed on 7 November, 2006, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued on 26 June, 2001. The window for payment of the first maintenance fee installment with a surcharge closed on 26 June, 2005. Therefore, since this petition was filed within twenty-four (24) months of the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

---

[1] 37 CFR 1.378(c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:

(1) The required maintenance fee set forth in § 1.20(e) through (g);
(2) The surcharge set forth in § 1.20(I)(2); and
(3) A statement that the delay in payment of the maintenance fee was unintentional.

The file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Kenneth A. Roddy
2916 West T.C. Jester, Suite 100
Houston TX 77018

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

COPY MAILED
OCT 28 2008
OFFICE OF PETITIONS

In re Application of

Doleac, et al.

Application No. 10/600,115

Filed: June 20, 2003

Attorney Docket No. 99-881C1

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 6, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee and the publication fee as required by the Notice of Allowance and Issue Fee Due and Notice of Allowability (the "Notices") mailed June 5, 2008. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on September 6, 2008. A Notice of Abandonment October 1, 2008.

The issue fee and publication fee were received on October 6, 2008[1]. Form PTOL-85B was received on October 6, 2008.

The application is being forwarded to the Office of Data Management for further processing.

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] It is noted that the Notice of Allowance and Issue Fee Due did not require payment of the publication fee.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **January 31, 2008**

TO SPE OF : ART UNIT **1615**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/600,130** Patent No.: **7205337 B2**

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1615

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO
ATTN: PATENT INTAKE CUSTOMER
NO. 35437
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

JUL 0 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	DECISION ON APPLICATION
Application No. 10/600,132	:	FOR
Filed: June 19, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. 24852-501 CIP	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 22, 2008. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from five hundred thirteen (513) days to six hundred fifteen (615) days.

The application for patent term adjustment is **GRANTED-IN-PART to the extent indicated herein**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **six hundred seven (607) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 12, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is five hundred thirteen (513) days. On January 22, 2008, applicants timely submitted the instant application for patent term adjustment[1].

[1] The Office records show applicants paid the issue fee on March 5, 2008.

Applicants dispute the reduction of one hundred two (102) days for filing of the "SUPPLEMENTAL AMENDMENT" on October 26, 2007, after a reply had been filed. See 37 C.F.R. § 1.704(c)(8)[2]. Applicants contend that they submitted the "SUPPLEMENTAL AMENDMENT" at the request of the examiner.

Applicants' contention is well taken. The record supports a conclusion that the supplemental reply filed October 26, 2007, was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Accordingly, the reduction of 102 days is not warranted and is being removed.

However, the record reveals that applicants filed a "PETITION FOR CORRECTION OF INVENTORSHIP IN NON-PROVISIONAL PATENT APPLICATION" under 37 CFR 1.48(a) on December 19, 2006, after filing of a reply to the non-final Office action on December 11, 2006. As the submission of the petition was not expressly requested by the examiner, it is a proper basis for reduction of patent term. In accordance 37 C.F.R. § 1.704(c)(8), the period of adjustment of the term of the patent should have been reduced by eight (8) days, the number of days beginning on the day after the date the initial reply was filed, December 12, 2006, and ending on the date that the petition was filed, December 19, 2006.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **six hundred seven (607) days** (678 days of Office delay - 71 days of applicant delay = 607 days).

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management

---

[2] 37 CFR § 1.704(c)(8) states:

> Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]

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 Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

PALM INTRANET

Day : Tuesday
Date: 7/8/2008
Time: 14:48:53

PTA Calculations for Application: 10/600132			
Application Filing Date:	06/19/2003	PTO Delay (PTO):	678
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	165
Post-Issue Petitions:	0	Total PTA (days):	607
PTO Delay Adjustment:	94		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
87	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		8	
86	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	102		
70	12/12/2007	MAIL NOTICE OF ALLOWANCE	26		54
69	12/12/2007	MAIL EXAMINER'S AMENDMENT			
68	12/10/2007	ISSUE REVISION COMPLETED			
67	12/10/2007	DOCUMENT VERIFICATION			
66	12/10/2007	EXAMINER'S AMENDMENT COMMUNICATION			
65	12/10/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	12/10/2007	CASE DOCKETED TO EXAMINER IN GAU			
63	12/10/2007	NOTICE OF ALLOWABILITY			
62	11/01/2007	DATE FORWARDED TO EXAMINER			
61	10/26/2007	SUPPLEMENTAL RESPONSE		102	54
60	04/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	05/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	07/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	07/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	07/16/2007	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
55	07/30/2007	DATE FORWARDED TO EXAMINER			
54	07/16/2007	RESPONSE AFTER NON-FINAL ACTION		32	44
53	07/16/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
52	07/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

51	05/23/2007	REFERENCE CAPTURE ON IDS			
50	05/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	05/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	07/25/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	07/25/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	04/18/2007	REFERENCE CAPTURE ON IDS			
45.7	04/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	04/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	03/14/2007	MAIL NON-FINAL REJECTION			
43	03/05/2007	NON-FINAL REJECTION			
42	12/19/2006	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
41	12/29/2006	DATE FORWARDED TO EXAMINER			
40	12/11/2006	RESPONSE AFTER NON-FINAL ACTION			
39	09/12/2006	MAIL NON-FINAL REJECTION			
38	09/05/2006	NON-FINAL REJECTION			
36	04/06/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	03/14/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	10/05/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	07/25/2006	REFERENCE CAPTURE ON IDS			
31	07/13/2006	DATE FORWARDED TO EXAMINER			
30	06/29/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
29	06/02/2006	MAIL RESTRICTION REQUIREMENT	652		-1
28	05/30/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
27	03/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
26	10/05/2005	REFERENCE CAPTURE ON IDS			
25.7	10/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	10/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	09/02/2005	CASE DOCKETED TO EXAMINER IN GAU			

23	07/13/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	03/14/2005	REFERENCE CAPTURE ON IDS			
21.7	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	12/01/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	07/23/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	07/23/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	04/06/2004	REFERENCE CAPTURE ON IDS			
16.7	04/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	04/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	12/22/2003	PRELIMINARY AMENDMENT			
14	03/12/2004	APPLICATION RETURN FROM OIPE			
13	03/12/2004	APPLICATION RETURN TO OIPE			
12	03/12/2004	APPLICATION DISPATCHED FROM OIPE			
11	03/12/2004	APPLICATION IS NOW COMPLETE			
10	02/27/2004	ADDITIONAL APPLICATION FILING FEES		31	7
9	02/27/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	02/27/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
7	10/27/2003	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	08/12/2003	CASE CLASSIFIED BY OIPE			
3	08/12/2003	CLEARED BY OIPE CSR			
2	07/15/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/19/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO
ATTN: PATENT INTAKE CUSTOMER
NO. 35437
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED
SEP 02 2008

In re Application of	:	
Miller et al.	:	LETTER REGARDING
Application No. 10/600,132	:	PATENT TERM ADJUSTMENT
Filed: June 19, 2003	:	
Atty Docket No. 24852-501 CIP	:	

This letter is in response to the "COMMUNICATION," filed August 1, 2008. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is **GRANTED** to the extent indicated.

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 **six hundred four (604) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 12, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment was five hundred thirteen (513) days. On January 22, 2008, applicants submitted an "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," which was granted-in-part by the decision of July 9, 2008. The decision indicated that the correct patent term adjustment at the time of the

mailing of the notice of allowance was six hundred seven (607) days. A copy of the updated PAIR screen, showing the corrected determination accompanied the decision. On August 1, 2008, applicants submitted the instant comment.

Applicants request that the Office recalculate the period of patent term adjustment. Specifically, applicants direct the Office's attention to the supplemental reply in the form of a Supplemental Information Disclosure Statement (IDS) received by the USPTO on July 19, 2007.[1]

A review of the application history confirms that applicants should have been assessed an additional delay of three (3) days pursuant to 37 CFR 1.704(c)(8). It is undisputed that after filing a response on July 16, 2007, applicants filed a Supplemental IDS on July 19, 2007. The record does not support a conclusion that the examiner expressly requested the Supplemental IDS. Further, a review of the Supplemental IDS, filed July 19, 2007, reveals that applicants did not include a statement under 37 CFR 1.704(d).[2] Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by three (3) days, the number of days beginning on the day after the date the initial reply was filed, July 17, 2007, and ending on the date that the Supplemental IDS was filed, July 19, 2007. See 37 CFR 1.704(c)(8). Accordingly, an additional period of reduction of three (3) days will be entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **six hundred four (604) days.**

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the

---

[1] Applicants state that the Supplemental IDS was filed on July 18, 2007. However, the Office records indicate that the Supplemental IDS was submitted on July 19, 2007.

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 Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

---

[2] Pursuant to 37 CFR 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Patent No. 7,456,219	: DECISION ON REQUEST FOR
Miller et al.	: RECONSIDERATION OF
Issue Date: November 25, 2008	: PATENT TERM ADJUSTMENT
Application No. 10/600,132	: AND NOTICE OF INTENT TO ISSUE
Filed: June 19, 2003	: CERTIFICATE OF CORRECTION
Attorney Docket No. 24852-501 CIP	:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed December 16, 2008. Patentees request that the determination of patent term adjustment for the above-identified patent be corrected from one thousand three hundred fifty-one (1,351) days to one thousand four hundred sixty-eight (1,468) days.

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

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **795 days**.

On November 25, 2008, the above-identified application matured into U.S. Patent No. 7,456,219 with a revised patent term adjustment of 1,351 days. On December 16, 2008, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees dispute the reductions of period of adjustment of the patent term[1] by 48 days for the filing of the "Communication" on August 1, 2008, and by 21 days for the filing of an Information Disclosure Statement (IDS) on September 18, 2008. Patentees aver that the correct number of days of patent term adjustment is 1,468 days in view of the disputed periods of reduction, as well as the court's interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays "occur on the same day." Patentees contend that the periods of delay attributable to grounds specified under 35 U.S.C. 154(b)(1)(A) and 35 U.S.C. 154(b)(1)(B) overlap by 26 days as they occur on the same days in both periods. Patentees maintain: "The adjustment sought under 37 C.F.R. § 1.703(f) is the sum of the periods under § 1.702(a) (578 days) and § 1.702(b) (890 days), less the additional delays attributable to Applicant (0 days)." *Application filed 12/16/08, pp. 2-3.* "Accordingly, Applicant respectfully requests an adjustment of patent term under § 1.703(f) to indicate a total PTA of 1,468 days." Id.

At the outset, it has been determined that due to USPTO clerical error, at the time of the mailing of the notice of allowance, a period of adjustment 604 days associated with "RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE" was erroneously entered. Thus, the period of adjustment of 604 days is being removed.

With regard to the period of reduction of 48 days under 37 CFR 1.704(c)(10), a review of the application history reveals that the patent term adjustment was reduced for the submission of a "Miscellaneous Incoming Letter" received in the Office on August 1, 2008. The record confirms that patentees filed a "Communication" under their duty of candor and good faith to the Office. A Letter of Candor and Good Faith is not a paper for which its filing is considered a "failure to engage in

[1] Patentees mistakenly stated that the period of adjustment of the patent term was reduced by 21 days for the filing of the "Communication" and by 48 days for the filing of the IDS.

reasonable efforts" within the meaning of 37 CFR 1.704(c)(10).[2] Thus, it is concluded that the reduction of 48 days is not warranted and will be removed.

With regard to the period of reduction of 21 days under 37 CFR 1.704(c)(10) for the filing of the IDS on September 18, 2008, patentees argue that the reduction is in error because the IDS was filed within 30 days of receipt of the information in the IDS from a foreign patent office.

Pursuant to 37 CFR 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

It is undisputed that patentees filed the IDS on September 18, 2008, after the mailing of the notice of allowance. A review of the IDS filed September 18, 2008, reveals that it did not include the proper statement under 1.704(d). Specifically, the IDS was accompanied by the following statement:

---

[2] Pursuant to 37 CFR 1.704(c)(10):

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
>
> (ii) Four months;

> Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that **the** item of information contained in this Supplemental Information Disclosure Statement was first cited in **a** communication from a foreign patent office in a counterpart foreign application not more than thirty (30) days prior to the filing of this Supplemental Statement.

Emphasis added.

However, the statement required under 37 CFR 1.704(d) must state that:

> **[E]ach** item of information contained in the information disclosure statement was first cited in **any** communication from a foreign patent office in a counterpart application **and that this communication was not received by any individual designated in § 1.56(c)** more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Emphasis added.

The statement accompanying the IDS filed September 18, 2008, does not contain the language required by 37 CFR 1.704(d). Accordingly, it is concluded that the period of reduction of 21 days is merited and will remain.

As to patentees' interpretation of the period of overlap, the Office finds that it is inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*[3] *and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the

---

[3] Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the date of filing of the application under 35 U.S.C. 111(a) on June 19, 2003, and ending on the date of issuance of the patent on November 25, 2008, (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), (2), and (4),[4] 821 days[5] of patent term adjustment were accorded

---

[4] 37 CFR 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
>
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;
>
> (2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken[.]
>
> . . .

during the pendency of the application for Office delay prior to the issuance of the patent. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b),[6] 890 days of patent term adjustment accrued for Office issuance of the patent more than three years after the filing date of the application.

All of the 890 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 821 days of patent term adjustment under 37 CFR 1.702(a)(1), (2) and (4). Entry of both the 890 days and the 821 days is neither permitted nor warranted. 890 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 69 additional days of patent term adjustment for the Office taking

---

(4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied[.]

[5] The Office mailed a Restriction Requirement on June 2, 2006, 14 months and 652 days after the application was filed on June 19, 2003. Additionally, the Office did not respond to the reply of July 16, 2007, until December 12, 2007, 4 months and 26 days after the date on which the reply was filed. Lastly, the Office issued the patent on November 25, 2008, four months and 143 days after the payment of the issue fee.

[6] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
(5) Any delay in the processing of the application by the Office that was requested by the applicant.

in excess of three years to issue the patent, for a total Office delay of 890 days.

In view thereof, the revised determination of patent term adjustment at the time of the issuance of the patent should be 795 days (890 (652+26+143+69) days of Office delay - 95 (31+32+8+3+21) days of applicant delay).

The Office acknowledges the submission of the $200.00 fee under 37 CFR 1.18(e).

This matter 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 795 days.

Telephone inquiries regarding 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

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,456,219 B2

DATED : Nov. 25, 2008

INVENTOR(S) : Miller 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 (1351) days

Delete the phrase "by 1351 days" and insert – by 795 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

MAY 04 2010

OFFICE OF PETITIONS

In re Patent No. 7,456,219	: DECISION ON REQUEST FOR
Miller et al.	: RECONSIDERATION OF
Issue Date: November 25, 2008	: PATENT TERM ADJUSTMENT
Application No. 10/600,132	: AND NOTICE OF INTENT TO ISSUE
Filed: June 19, 2003	: CERTIFICATE OF CORRECTION
Attorney Docket No. 24852-501 CIP	:

This is a decision on the renewed petition filed on August 28, 2009,[1] 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 one thousand four hundred sixty-eight (1468) 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 **one thousand four hundred forty-seven (1447) days**.

In the present petition, patentee acknowledges that A Delay is 821 days, B Delay is 890 days, and the overlapping period is 169 days. However, patentee asserts that total period of applicant delay is 74 days, not 95 days.

Specifically, patentee disputes the period of reduction of 21 days under 37 CFR 1.704(c)(10) for the filing of the IDS on September 18, 2008. Patentee argues:

[1] This petition was timely filed within two months of the decision on the request for reconsideration of patent term adjustment mailed July 28, 2009.

> The Office has maintained the reduction of 21 days of delay allegedly attributed to Applicants under 37 C.F.R. §1.704 for the filing of an Information Disclosure Statement ("IDS") on September 18, 2008. The Decision of July 28, 2009 states that the IDS filed on September 18, 2008 did not include the proper statement under 37 C.F.R. §1.704(d) and upheld the 21 day reduction for this reason. Applicants believe that the 21 day reduction should be withdrawn, because the September 18, 2008 IDS was filed within 30 days of the receipt of the information in the IDS from a foreign patent office. See, e.g., Exhibit A submitted in the Application filed on December 16, 2008. Whether the IDS statement of September 18, 2008 was in proper form is purely a matter of procedure. What is undisputed here is that the IDS was, in fact, filed within 30 days of receipt of the information in the IDS from a foreign patent office and the factual circumstances of the IDS filing within the 30 day time period alone warrants withdrawal of the 21 day reduction, despite the absence of the exact, specific language of 37 C.F.R. 1.704(d) in the IDS statement of September 18, 2008. Applicants respectfully request withdrawal of the 21 day reduction in patent term adjustment erroneously attributed to Applicant delay.

Petition, 08/28/09, p. 3.

It is undisputed that patentee filed the IDS on September 18, 2008, after the mailing of the notice of allowance. A review of the IDS filed September 18, 2008, reveals that it did not include the proper statement under 1.704(d). Specifically, the IDS was accompanied by the following statement:

> Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that **the** item of information contained in this Supplemental Information Disclosure Statement was first cited in **a** communication from a foreign patent office in a counterpart foreign application not more than thirty (30) days prior to the filing of this Supplemental Statement.

Emphasis added.

The Office reminds patentee that 37 CFR 1.704(d) was revised, effective May 24, 2004.[2] The required statement states, in pertinent part, that:

> **[E]ach** item of information contained in the information disclosure statement was first cited in **any** communication from a foreign patent office in a counterpart application **and that this communication was not received by any individual designated in § 1.56(c)** more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

(Emphasis added).

Applicants should have mirrored the language as required by 37 CFR 1.704(d). In particular, the Office notes that patentee has still not provided the Office with a statement mirroring the language set forth in § 1.704(d) with the present renewed petition or to date. Thus, the period of reduction of 21 days will remain.

Accordingly, the patent term adjustment is 1447 days (821 days of A delay + 890 days of B delay - 169 days of overlap - 95 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 submission of the $200.00 fee for the filing of the present renewed petition is unnecessary and will be refunded. No additional fees are required.

---

[2] "Section 1.704(d) [was] amended to change 'cited in a communication' to 'first cited in any communication' in order to clarify that the item must have been first cited in **any communication** from a foreign patent office in a counterpart application **instead of merely being cited in such a communication**." 69 FR 21704 (Apr. 22, 2004) (Emphasis added).

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 **one thousand four hundred forty-seven (1447) 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

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,456,219 B2

DATED : Nov. 25, 2008

INVENTOR(S) : Miller 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 1351 days

Delete the phrase "by 1351 days" and insert – by 1447 days--

PALM INTRANET

Day : Tuesday
Date: 5/4/2010
Time: 11:06:10

PTA Calculations for Application: 10/600132			
Application Filing Date:	06/19/2003	PTO Delay (PTO):	890
Issue Date of Patent:	11/25/2008	Three Years:	0
Pre-Issue Petitions:	604	Applicant Delay (APPL):	234
Post-Issue Petitions:	0	Total PTA (days):	1447
PTO Delay Adjustment:	187		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
121	05/04/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	652		
117	07/28/2009	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
116	07/26/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		604	
115	07/26/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	48		
109.5	11/05/2008	PTA 36 MONTHS	69		
109	11/25/2008	PATENT ISSUE DATE USED IN PTA CALCULATION	143		84
108	10/31/2008	EXPORT TO FINAL DATA CAPTURE			
107	10/23/2008	FINISHED INITIAL DATA CAPTURE			
106	10/24/2008	DISPATCH TO FDC			
105	10/08/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
104	10/08/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
103	01/07/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
102	09/18/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
101	09/18/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		21	104
100	09/18/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
99	09/26/2008	WORKFLOW - QUERY REQUEST - FINISH			
98	09/23/2008	WORKFLOW - QUERY REQUEST - FINISH			
97	09/18/2008	TC RETURN TO PUBS			
96	09/02/2008	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			

95	09/02/2008	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
95	09/02/2008	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE	604		
92	08/01/2008	PETITION ENTERED			
91	08/21/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		3	
91	08/21/2008	ADJUSTMENT OF PTA CALCULATION BY PTO			
90	08/01/2008	MISCELLANEOUS INCOMING LETTER		48	104
89	07/09/2008	MAIL-PETITION DECISION - GRANTED IN PART			
88	07/09/2008	PETITION DECISION - GRANTED IN PART			
87	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		8	
87	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO			
86	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	102		
86	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO			
85	04/02/2008	TC RETURN TO PUBS			
84	03/05/2008	ISSUE FEE PAYMENT VERIFIED			
83	03/05/2008	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
82	03/05/2008	ISSUE FEE PAYMENT RECEIVED			
81	02/27/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
77	01/22/2008	PETITION ENTERED			
76	01/16/2008	PUBS CASE REMAND TO TC			
75	01/23/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
74	01/22/2008	WORKFLOW - QUERY REQUEST - BEGIN			
73	01/19/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
72	01/07/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
71	12/17/2007	EXPORT TO INITIAL DATA CAPTURE			
70	12/12/2007	MAIL NOTICE OF ALLOWANCE	26		54
69	12/12/2007	MAIL EXAMINER'S AMENDMENT			
68	12/10/2007	ISSUE REVISION COMPLETED			
67	12/10/2007	DOCUMENT VERIFICATION			
66	12/10/2007	EXAMINER'S AMENDMENT COMMUNICATION			
65	12/10/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			

64	12/10/2007	CASE DOCKETED TO EXAMINER IN GAU			
63	12/10/2007	NOTICE OF ALLOWABILITY			
62	11/01/2007	DATE FORWARDED TO EXAMINER			
61	10/26/2007	SUPPLEMENTAL RESPONSE		102	54
60	04/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	05/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	07/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	07/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	07/16/2007	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
55	07/30/2007	DATE FORWARDED TO EXAMINER			
54	07/16/2007	RESPONSE AFTER NON-FINAL ACTION		32	44
53	07/16/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
52	07/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	05/23/2007	REFERENCE CAPTURE ON IDS			
50	05/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	05/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	07/25/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	07/25/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	04/18/2007	REFERENCE CAPTURE ON IDS			
45.7	04/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	04/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	03/14/2007	MAIL NON-FINAL REJECTION			
43	03/05/2007	NON-FINAL REJECTION			
42	12/19/2006	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
41	12/29/2006	DATE FORWARDED TO EXAMINER			
40	12/11/2006	RESPONSE AFTER NON-FINAL ACTION			
39	09/12/2006	MAIL NON-FINAL REJECTION			

38	09/05/2006	NON-FINAL REJECTION			
36	04/06/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	03/14/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	10/05/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	07/25/2006	REFERENCE CAPTURE ON IDS			
31	07/13/2006	DATE FORWARDED TO EXAMINER			
30	06/29/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
29	06/02/2006	MAIL RESTRICTION REQUIREMENT	652		-1
28	05/30/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
27	03/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
26	10/05/2005	REFERENCE CAPTURE ON IDS			
25.7	10/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	10/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	09/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
23	07/13/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	03/14/2005	REFERENCE CAPTURE ON IDS			
21.7	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	12/01/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	07/23/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	07/23/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	04/06/2004	REFERENCE CAPTURE ON IDS			
16.7	04/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	04/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	12/22/2003	PRELIMINARY AMENDMENT			
14	03/12/2004	APPLICATION RETURN FROM OIPE			
13	03/12/2004	APPLICATION RETURN TO OIPE			
12	03/12/2004	APPLICATION DISPATCHED FROM OIPE			
11	03/12/2004	APPLICATION IS NOW COMPLETE			
10	02/27/2004	ADDITIONAL APPLICATION FILING FEES		31	7

9	02/27/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	02/27/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
7	10/27/2003	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	08/12/2003	CASE CLASSIFIED BY OIPE			
3	08/12/2003	CLEARED BY OIPE CSR			
2	07/15/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/19/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

COPY MAILED

MAY 0 5 2008

OFFICE OF PETITIONS

In re Application of

KEVIN FUNG, Ka Shun
Application No. 10/600,137
Filed: June 20, 2003
Attorney Docket No. **2702P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 26, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael Farn does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **EXCHANGEREPUBLIC.COM LIMITED**
FLAT B 11/F, PROSPECT MANSION
66-72 PATERSON STREET
HONG KONG
P.R. CHINA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/600,141	06/20/2003	2828	440	UIC.02USU1 (CV107/NPU)	22	14	2

CONFIRMATION NO. 8476

CORRECTED FILING RECEIPT

OC000000011811893

27479
THE LAW OFFICES OF WILLIAM W. COCHRAN, LLC
3555 STANFORD ROAD
SUITE 230
FORT COLLINS, CO 80525

Date Mailed: 02/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Charles K. Rhodes, Chicago, IL;
Keith Boyer, Santa Fe, NM;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/390,609 06/21/2002

Foreign Applications

If Required, Foreign Filing License Granted: 08/25/2003

Projected Publication Date: 03/25/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Ultrabright tunable coherent multikilovolt x-ray source

Preliminary Class
372

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 061004

JUN 18 2004

COCHRAN FREUND & YOUNG LLC
3555 Stanford Road
Suite 230
Fort Collins, CO 80525

In re Application of:	:	
RHODES *et al.*	:	DECISION ON PETITION
Serial No.: 10/600,141	:	TO MAKE SPECIAL
Filed: June 20, 2003	:	
Attorney Docket No.: **UIC.02USU1 (CV107/NPU)**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed March 11, 2004, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration from one of the co-inventors, Keith Boyer, stating that the he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference. Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and

Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Clayton LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
MAY 17 2006
OFFICE OF PETITIONS

In re Application of	:	
McCanne, Steven	:	DECISION ON PETITION
Application No. 10/600,142	:	TO WITHDRAW
Filed: June 19, 2003	:	FROM RECORD
Attorney Docket No. 019599-000120US	:	

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 29, 2005

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

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 20350 has been revoked by the assignee of the entire interest 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 continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272- 3206.

David Bucci
Petitions Examiner
Office of Petitions

cc:

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

COPY MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Parvathanathan Subrahmanya	:	
Application No. 10/600,147	:	DECISION ON PETITION
Filed: June 19, 2003	:	
Attorney Docket No. 990590U1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 25, 2004, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 26, 2004.

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 $1110 extension of time submitted with the petition on March 5, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is

a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lack items (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 would not be granted where the abandonment or the failure to pay the fee for issuing the patent was intentional as opposed to being unintentional or unavoidable." See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (4 years) in resuming

prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on November 26, 2004. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Donald Kordich was counsel of record at the time of abandonment, Donald Kordich should explain why this application became abandoned while it was under his control and what efforts he made to further reply of itself and with whom this matter was discussed outside of Mr. Kordich. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), Donald Kordich and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons responsible for handling this application, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The

December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 4 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons handling this application and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRASK BRITT
P O BOX 2550
SALT LAKE CITY, UT 84110

COPY MAILED

FEB 15 2005

OFFICE OF PETITIONS

In re Application of Raymond J. Beffa Application No. 10/600,148 Filed: June 19, 2003 Attorney Docket No. 2269-3040.5US (96-0970.05/US)	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed February 4, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 6, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2857 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

COPY MAILED

APR 14 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Richard W. Wensel :
Application No. 10/600,149 :
Filed: June 19, 2003 :
Attorney Docket No. 3061.8US (96-0893.07/US) :

This is a decision on the petition, filed April 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 3, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2814 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : April 14, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Richard W. Wensel
Application No. : 10/600,149
Filed : June 19, 2003

The above-identified application has been assigned Patent No. 6,885,091 and an issue date of April 26, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of April 26, 2005:

> "All reference to Patent No. 6,885,091 to RICHARD W. WENSEL of IDAHO for SEMICONDUCTOR DIE WITH ATTACHED HEAT SINK AND TRANSFER MOLD appearing in the Official Gazette of April 26, 2005, should be deleted since no patent was granted."

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, Crystal Park 3-441 (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

COPY MAILED

NOV 21 2005

OFFICE OF PETITIONS

In re Application of
Richard W. Wensel
Application No. 10/600,149
Filed: June 19, 2003
Attorney Docket No.: 3061.8US (96-0893.07/US)

ON PETITION

This is a decision on the petition, filed November 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 7, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2814 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

10/28/04

John J. Oskorep, ESQ.
One Magnificent Mile Center
980 n. Michigan Avenue – Suite 1400
Chicago, Illinois 60611

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/881581 received on 10/18/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

10/28/04

David A. Hall
Heller, Ehrman, White & McAuliffe LLP
4350 La Jolla Village Drive - 7th Floor
San Diego, CA 92122-1246

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/600151 received on 09/22/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King
Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MAILED

JUN 14 2010

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Patent No. 7,553,448	:	DECISION ON REQUEST
Kumar et al.	:	FOR
Issue Date: June 30, 2009	:	RECONSIDERATION OF
Application No. 10/600,164	:	PATENT TERM ADJUSTMENT
Filed: June 19, 2003	:	and
Atty Docket No. 090900-0158	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 28, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand and thirty-seven (1037) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **one thousand three (1003)** days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 20, 2006 and ends on November 26, 2007, the day before the first RCE was filed, which amounts to 525 (not 526) days. See U.S.C. 154(b)(1)(B)(i).

Moreover, as the time taken up by the notice of appeal is excluded from the period of B-delay, the period of time between the day the Notice of Appeal was filed (September 27, 2007) until the day before the RCE was filed (November 26, 2007) is excluded (As discussed above, the date of filing of the RCE has already been excluded). This period constitutes 61 days.

The Office has determined that there is no overlap.

As such, the patent term adjustment is increased by 464 (525 - 61) days to 1003, not 1037 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand three (1003) days**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,553,448 B2

DATED : **June 30, 2009** **DRAFT**

INVENTOR(S) : Kumar 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 539 days

Delete the phrase "by 539 days" and insert – by 1003 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

COPY MAILED

JUN 16 2005

OFFICE OF PETITIONS

In re Application of :
Steven A. Gronemeyer :
Application No. 10/600,174 :
Filed: June 20, 2003 :
Attorney Docket No. ST04004CIP :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed February 2, 2005, 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(a)."

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, and submit corrected drawings, on or before October 26, 2004. Accordingly, this application became abandoned on October 27, 2004. A Notice of Abandonment was mailed on December 2, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

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

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition lacks items (1) and (3), above.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Regarding Item (1):
A Notice of Allowability was mailed in the instant application on July 26, 2004, simultaneously with the Notice of Allowance and Issue Fee Due. The Notice of Allowability set forth a reply period of three months from the mailing date of July 26, 2004 in which petitioner was required to submit new corrected drawings. The three-month period was not extendable. Thus, the Notice of Allowability and the Notice of Allowance and Issue Fee Due set forth concurrent but distinct requirements with which petitioner was required to comply. Accordingly, pursuant to the provision of 37 CFR 1.137(a)(1) and in accordance with 35 USC 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Since petitioner has failed to submit corrected drawings, the petition must be dismissed.

Regarding Item (2):
The record indicates that Shemwell Gregory & Courtney, LLP was responsible for prosecution of the above-identified application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Shemwell Gregory & Courtney, LLP explaining why action was not timely taken to prevent the above-identified application from becoming abandoned.

Additionally, please note, the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 U.S.P.Q.2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 U.S.P.Q.2d 1130, 1132 (D.N. Ind. 1987).

Furthermore, please note, a delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the Patent and Trademark Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

The showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. 151 and 37 CFR 1.137(a). See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

Petitioner may wish to consider filing a renewed petition under amended 37 C.F.R. § 1.137(b). 37 C.F.R. § 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. § 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

> (1) The required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
>
> (2) The petition fee as set forth in § 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 C.F.R. § 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
>
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

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

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

COPY MAILED

SEP 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Steven A. Gronemeyer	:	
Application No. 10/600,174	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. ST04004CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, and submit corrected drawings, on or before October 26, 2004. Accordingly, this application became abandoned on October 27, 2004. A Notice of Abandonment was mailed on December 2, 2004.

This application is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Robert Ya-Lin Pan	: DECISION ON REQUEST FOR
Patent Number	: 7569530	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,180	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MACPHERSON KWOK CHEN & HEID, LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

COPY MAILED

JUN 23 2005

OFFICE OF PETITIONS

In re Application of
Keith J. Brodie
Application No. 10/600,190
Filing Date: June 20, 2003
Attorney Docket No. M-15536-3C US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2005, to revive the above-identified application.

In response to the non-final Office action mailed March 10, 2004, petitioner herewith submits $750 for the petition to revive fee, an amendment, $750 in claim fees, an Information Disclosure Statement with the $180 fee, and the unintentional statement as required by 37 CFR 1.137(b).

As authorized in the instant petition, the above fees totaling $1,680 have been charged to petitioner's deposit account.

Since the requirements under 37 CFR 1.137(b) have been met, the petition is **granted**.

This application file is being referred to Technology Center Art Unit 3663, for review of the amendment filed with the instant petition.

Any questions concerning this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CAMORIANO & ASSOCIATES
8225 SHELBYVILLE RD
LOUISVILLE KY 40222

COPY MAILED

AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Wade Summers	:	
Application No. 10/600,204	:	
Filed: June 20, 2003	:	DECISION ON PETITION
Attorney Docket No. SUM.102	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 27, 2005.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on June 10, 2004. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

Receipt of the $750 petition fee is acknowledged.

A "Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing", indicating a projected publication date of November 10, 2005, is enclosed.

The application is being forwarded to Group Art Uni 1733 to await for applicant's response to the non-final Office action mailed March 7, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: "Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing" (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 03-06

Paper No: __

COPY MAILED

MAR 3 0 2006

OFFICE OF PETITIONS

CHRISTOPHER L. JOHNSON
KIRTON & MCCONKIE
SUITE 1800
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

In re Application of	:	
Segota, et al.	:	DECISION
Application No.: 10/600,206	:	
Filing Date: 19 June, 2003	:	
Attorney Docket No. 11023.5	:	

This is a decision on the petition filed on 15 February, 2006, under 37 C.F.R. §1.137(b) and seeking to revive an application abandoned due to unintentional delay.

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

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to a Restriction requirement mailed by the Examiner on 15 December, 2004, with reply due absent extension of time on or before Monday, 15 February, 2005;
- the application went abandoned after midnight 15 February, 2005;
- the Office mailed the Notice of Abandonment on 30 June, 2005;

- Petitioner filed the instant petition on 15 February, 2006, with fee and reply in the form of an election and made the statement of unintentional delay.

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).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

---

[1] 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.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] 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.

Allegations as to Unintentional Delay

A grantable petition under 37 C.F.R. §1.137(b) requires a petition, fee, statement of unintentional delay, reply, and a terminal disclaimer and fee if appropriate.

The record (including the petition filed on 15 February, 2006) does not necessitate a finding that the delay between midnight 15 February, 2005(date of abandonment), and 15 February, 2006 (date of filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on duty of candor and good faith of Applicants Darko Segota and John W. Finnegan II and their Counsel Petitioner Michael F. Krieger (Reg. No. 35,232) when accepting their representation that the delay in filing the response was unintentional.[7]

Therefore, Petitioner is considered to have satisfied the requirements of the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) is **granted**.

The application is released to Technology Center 3600 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] 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 the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Christopher L. Johnson
KIRTON & McCONKIE
Suite 1800
60 East South Temple
Salt Lake City, UT 84111

COPY MAILED

DEC 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Segota et al.	:	DECISION ON
Application No. 10/600,208	:	PETITION
Filed: June 19, 2003	:	
Atty Docket No. 11023.6	:	

This is a decision on the "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed November 7, 2005.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the non-final Office action mailed January 14, 2005. The Office action set a three-month shortened statutory period for response, with extensions of time obtainable under § 1.136(a). No reply being filed and no extension obtained, the application became abandoned effective April 15, 2005. A Notice of Abandonment was mailed on August 3, 2005.

In response, applicants filed the instant petition including the required reply in the form of an amendment, payment of the petition fee, and the required statement of unintentional delay. Petitioner has met all requirements for a grantable petition under § 1.137(b).

As the extension of time fee cannot be accepted outside of the maximum period for reply, the $510.00 payment for extension of

time for response within the third month submitted on petition is being refunded.

Technology Center AU 3746 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment and response received on petition filed November 7, 2005.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

COPY MAILED

JAN 09 2007

OFFICE OF PETITIONS

In re Application of :
Sung Gu Kang, et al. :
Application No. 10/600,226 :
Filed: June 19, 2003 :
Attorney Docket No. CDDC/CHC/011 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 25, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on June 2, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of April 19, 2007 accompanies this decision on petition.

A Notice of Allowability and a Notice of Allowance and Fee(s) Due were mailed in this case on May 4, 2006. However, in view of the nonpublication request filed with the application, the Notice of Allowance and Fee(s) Due mailed in this case did not require the submission of a publication fee. In view of the rescinding of the nonpublication request, the $300 publication fee is due and is being charged to counsel's deposit account.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/600,226	06/19/2003	Sung Gu Kang	CDDC/CHC/011

CONFIRMATION NO. 9786

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 01/09/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/19/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW MORRISON STREET
PORTLAND, OR 97205

COPY MAILED

MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Schienbein et al.	:	
Application No. 10/600,236	:	ON PETITION
Filed: June 19, 2003	:	
Attorney Docket No. 2443-018	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 14, 2005, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the non-final Office action mailed August 9, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on November 10, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

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 $1020.00 extension of time fee submitted with the petition on February 14, 2005 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 matter is being referred to Technology Center 2800 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLARQUIST SPARKMAN
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

COPY MAILED

FEB 20 2004

OFFICE OF PETITIONS

In re Application of	:
David S. Kellerman et al	:
Application No. 10/600,238	: DECISION GRANTING STATUS
Filed: June 19, 2003	: UNDER 37 CFR 1.47(A)
For: CREATION, VIEWING, AND	:
ANALYSIS OF THE RESULTS OF	:
INTEGRATED CIRCUIT TEST PROGRAMS	:
CONSISTING OF SCAN TESTS	:

This is in response to the petition under 37 CFR 1.47(a), filed December 8, 2003.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Wan Laymon at (703) 306-5685.

This application is being referred to Technology Center AU 2171 for examination in due course.

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID S. KELLERMAN
3169 ROYCE WAY
LAKE OSWEGO, OR 97034

COPY MAILED

FEB 2 0 2004

OFFICE OF PETITIONS

In re Application of
Kellerman; Morris; and Levy
Application No. 10/600,238
Filed: June 19, 2003
For: CREATION, VIEWING, AND ANALYSIS OF THE RESULTS OF INTEGRATED CIRCUIT TEST PROGRAMS CONSISTING OF SCAN TESTS

Dear Mr. Kellerman:

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 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.

Telephone inquiries regarding this communication should be directed to Wan Laymon at (703) 306-5685. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Frances Hicks

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

cc:
KLARQUIST SPARKMAN
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL A. NELSON
TEKTRONIX, INC.
14150 SW KARL BRAUN DRIVE
P.O. BOX 500, M/S 50-LAW
BEAVERTON OR 97077

COPY MAILED

DEC 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Ivers, Kevin T.	:	
Application No. 10/600,239	:	DECISION ON PETITION
Filed: June 19, 2003	:	
Attorney Docket No. 7340 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with 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 the Publishing Division for processing into a patent.

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

STEPTOE & JOHNSON, LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED

NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Luciano et al.	:	
Application No. 10/600,244	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 83336.0967	:	

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 Joan Olszewski at (571) 272-7751.

/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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

COPY MAILED

JUN 18 2007

OFFICE OF PETITIONS

In re Application of
Srinivas et al
Application No. 10/600,247
Filed: June 20, 2003
Attorney Docket No. 14974US01

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center AU 2182.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 26 2010

OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

In re Patent No. 7,537,779	:	
Issue Date: May 26, 2009	:	
Application No. 10/600,257	:	NOTICE
Filed: June 20, 2003	:	
Attorney Docket No. 070050.2407	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
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

LAW OFFICE OF RAY B. REGAN
P.O. BOX 1442
CORRALES, NM 87048

COPY MAILED

APR 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Wayne Allen Wade	:	DECISION ON PETITION
Application No. 10/600,263	:	TO WITHDRAW
Filed: June 20, 2003	:	FROM RECORD
Attorney Docket No. 2207.002CIP	:	

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 31, 2006.

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

A review of the file record indicates that the previously appointed power of attorney has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(b) is moot.

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

This application is being referred to Technology Center AU 3727.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

COPY MAILED

MAY 12 2008

OFFICE OF PETITIONS

In re Application of Fumitoshi Asai, et al. Application No. 10/600,266 Filed: June 20, 2003 Attorney Docket No. 03337C/HG	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 May 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 April 1, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENT LAW OFFICES OF HEATH W. HOGLUND
256 ELEANOR ROOSEVELT
SAN JUAN PR 00918

COPY MAILED
MAY 2 8 2004
OFFICE OF PETITIONS

In re Application of	:
Raphael Raptis et al	: DECISION ON PETITIONS
Application No. 10/600,267	: UNDER 37 CFR 1.78(a)(3) AND
Filed: June 20, 2003	: UNDER 37 CFR 1.78(a)(6) AND
Attorney Docket No. UPR-1610	: UNDER 37 CFR 1.181

This is a decision on the petition filed January 13, 2004, which is being treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional application set forth in the concurrently filed amendment. This is also a decision on the petition under 37 CFR § 1.181.

The petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is **DISMISSED**.

The petition under 37 CFR § 1.181 is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(I) and 1.78(a)(5)(I) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

Petitioner failed to submit an amendment to the first sentence of the specification following the title to include a proper reference to the prior-filed applications or an Application Data Sheet.

As to the petition under 37 CFR § 1.181:

Failure to timely submit the reference required by 37 CFR 1.78(a)(2)(I) is considered a waiver of any benefit claim under 35 U.S.C. § 120, 121 or 365(c) unless a petition to accept an unintentionally delayed claim under 37 CFR 1.78(a)(3), the surcharge set forth in 37 CFR 1.17(t), and the required reference, **including the relationship of the applications** (unless previously submitted) are filed. For example, if a benefit claim is submitted without the specific relationship between the nonprovisional applications before the expiration of the period, and the specific relationship between the nonprovisional applications is subsequently submitted after the expiration of the period, **a petition and the surcharge would be required**.

Accordingly, before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and a substitute amendment or an Application Data Sheet to correct the above matter is required.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

Any questions concerning this matter may be directed to the undersigned at (703) 305-8859.

Karen Creasy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENT LAW OFFICES OF
HEATH W. HOGLUND
256 ELEANOR ROSSEVELT
SAN JUAN, PR 00918

COPY MAILED

AUG 13 2004

OFFICE OF PETITIONS

In re Application of
Raphael Raptis et al
Application No. 10/600,267
Filed: June 20, 2003
Attorney Docket No. UPR-1610

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 20, 2003, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application, and on the petition under 37 CFR 1.78(a)(6) for the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application set forth in the amendment submitted with the instant petition.

The petition is **Granted**.

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

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

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS)) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant application was filed on June 20, 2003 and was pending at the time of filing of the instant petition. A reference to the prior-filed application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(3).

As to the benefit claim under 37 CFR 1.78(a)(6):

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

(1) the surcharge set forth in 37 CFR 1.17(t);

(2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional; and

(3) the reference to the prior filed provisional application supplied in an application data sheet (ADS)37 CFR 1.76) or as an amendment in the first sentence of the specification following the title. See 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5)(i). The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on June 20, 2003. Intermediate Application No. 09/470,504, was filed within twelve months of provisional Application No. 60/113,537, which was filed on December 22, 1998, for which priority is claimed. A reference to the prior- filed applications has been included in an amendment to the first sentence of the specification following the title.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Also, the reference to the prior-filed applications was submitted during the pendency of the nonprovisional application for which the benefit is sought. See 35 U.S.C. §§ 120 and and 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §§ 120 and and 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) should <u>not</u> be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed aplications should <u>not</u> 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 instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Karen Creasy at (703) 305-8859.

This application is being referred to Technology Center Art Unit 1616 for processing the amendment submitted June 22, 2004, and for processing and consideration by the examiner of the claim under 35 U.S.C. §120 and 37 CFR 1.78(a)(2) for the benefit of prior-filed Application No. 09/470,504, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of prior-filed provisional Application No. 60/113,537, filed December 22, 1998.

Karen Creasy

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

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Leslie Gladstone Restaino
163 Madison Avenue
P.O. Box 1989
Morristown, NJ 07962-1989

COPY MAILED

JUN 2 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Wang, et al.	:	
Application No. 10/600,270	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 5199-99	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 28, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 26, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 27, 2003.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,005.00 extension of time submitted with the petition on April 28, 2004 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account no. 02-4270.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 6/22/04

2 Serial/Patent # 10/600,270

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
✓	Extension of Time	IFW	4/28/04	$ 1,005
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 1,005

8 TO BE REFUNDED BY:

	Treasury Check
✓	Credit Deposit A/C #:

9 02--4270

10 REASON:

	Overpayment
	Duplicate Payment
✓	No Fee Due (Explanation):

Ext. not necessary

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E. Tannone TITLE: Pat. Atty.

SIGNATURE: [illegible] PHONE: 306-9200

OFFICE: 4700

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [illegible] DATE: 6/23/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

OIPE JC180
APR 3 0 2004
PATENT & TRADEMARK OFFICE

Ret. Sec.

PTO/SB/83 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/600,278
Filing Date	June 20, 2003
First Named Inventor	Licata, Carlo
Art Unit	1724
Examiner Name	
Attorney Docket Number	38211.00002.CIP

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

Approved
Jacqueline M. Stone, Director
Technology Center 1700
JUL - 6 2004

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [x] the attorneys/agents associated with Customer Number 36183

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Client requested transfer of application to the Catalyst Law Group by letter dated 1/12/04; we transferred the application on 1/16/04. Catalyst Law Group acknowledged receipt on 1/20/04.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [x] Change the correspondence address and direct all future correspondence to:

[ ] Customer Number:

OR

[x] Firm or Individual Name	Catalyst Law Group, APC				
Address	4330 La Jolla Village Drive				
Address	Suite 220				
City	San Diego	State	CA	Zip	92122
Country	U.S.A.				
Telephone	(858) 450-0099			Fax	(858) 450-9834

Name	Richard H. Pagliery		
Signature	Richard Pagliery	Registration No.	44,276
Date	April 28, 2004	Telephone No.	(858) 720-2500

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

David W. Maher
Bingham McCutchen LLP
28th Floor
Three Embarcadero Center
San Francisco CA 94111

COPY MAILED
MAY 25 2004
OFFICE OF PETITIONS

In re Application of	:	
Guillermo C. Bazan et al.	:	
Application No. 10/600,286	:	DECISION ON PETITION
Filed: June 20, 2003	:	UNDER 37 C.F.R. §1.10(C)
Attorney Docket No. 7019952001	:	
Title: METHODS AND COMPOSITIONS	:	
FOR DETECTION AND ANALYSIS OF	:	
POLYNUCLEOTIDES USING LIGHT	:	
HARVESTING MULTICHROMOPHORES	:	

This is a decision on the petition under 37 C.F.R. §1.10(c), submitted on March 17, 2004, requesting that the application be accorded a filing date of June 20, 2003.

Shortly after June 20, 2003, the above-identified application was received in the Office. The Office of Initial Patent Examination then mailed petitioner's filing receipt, which indicated that the application had been accorded a filing date of June 21, 2003.

In response, on March 17, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EV348162527US[1]. Applicants request that the application be accorded a filing date of June 20, 2003.

1 The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Adjustment date: 06/21/2004 NVILLARI
03/18/2004 AWONDAF1 00000053 502518 10600286
01 FC:1460 130.00 CR

Petitioner has alleged that the application was deposited on June 20, 2003, and the Patent Office has incorrectly assigned a filing date of June 21, 2003 to the instant application.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of June 20, 2003.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. Unfortunately, a check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) was also inconclusive.

Although the application received a filing date of June 21, 2003, the evidence is convincing that the application papers were filed on June 20, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of June 20, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 20, 2003, as well as the mailing of a corrected filing receipt.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

As there is no fee associated with the filing of a petition under 37 C.F.R. §1.10(c), the fee Petitioner has submitted will be credited to his Deposit Account.

Any inquiries related to this decision should be directed to the

undersigned at (703) 305-0011.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco CA 94111

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Mail Date: 04/22/2010

Applicant	: John Wu	: DECISION ON REQUEST FOR
Patent Number	: 7664095	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **863** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

James Scheller, Esq.
Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085

COPY MAILED

FEB 28 2008

In re Application of :
Nikolchev, et al. :
Application No. 10/600,298 : ON PETITION
Filed: June 20, 2003 :
Attorney Docket No. **016355-022580US** :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 15, 2007, to accept an unintentionally delayed claim under 35 U.S.C §120 for the benefit of priority to the prior–filed non-provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

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

1. the reference required by 35 U.S.C § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

2. the surcharge set forth in § 1.17(t), and

3. a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on June 20, 2003, and was pending at the time of the filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first page of the specification, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application was submitted during the

pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 120 to the prior-filed non-provisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 3700, Art Unit 3772 for appropriate action on the amendment filed October 15, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the prior-filed non-provisional application.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/600,298	06/20/2003	3772	1672	016355-002580US	26	16

CONFIRMATION NO. 6671

CORRECTED FILING RECEIPT

OC000000028555206

James Scheller, Esq.
Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085

Date Mailed: 02/28/2008

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Julian N. Nikolchev, Portola Valley, CA;
Dai T. Ton, San Jose, CA;

Assignment For Published Patent Application

CONCEPTUS, INC., San Carlos, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 09/093,835 06/08/1998 PAT 6,705,323
which claims benefit of 60/059,861 09/24/1997
and is a CIP of 08/475,252 06/07/1995 ABN
and is a CIP of 08/474,779 06/07/1995 PAT 6,176,240

Foreign Applications

If Required, Foreign Filing License Granted: 08/26/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/600,298**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Contraceptive transcervical fallopian tube occlusion devices and methods

Preliminary Class

128

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

<u>GRANTED</u>

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Oct-06

WOLFF & SAMSON, P.C.
ONE BOLAND DRIVE
WEST ORANGE NJ 07052

COPY MAILED
OCT 1 1 2006
OFFICE OF PETITIONS

In re Application of :
Samuel Chase : DECISION ON PETITION
Application No. 10/600,313 :
Filed: 20 June, 2003 :
Atty Docket No. 9388/2/1 :

This is a decision on the petition under 37 CFR 1.137(b),[1] filed on 21 July, 2006, 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 decision.

This application became abandoned on 15 March, 2005, for failure to timely submit corrected drawings in response to the Notice of Allowability, mailed on 14 December, 2004. Notice of Abandonment was mailed on 2 March, 2006.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

The petition lacks the required reply. The drawings filed with the petition on 21 July, 2006, are objected to by Draftsperson under 37 CFR 1.84 or 1.152. A copy of the Notice of Draftsperson's Patent Drawing Review is enclosed for petitioner's reference.

Petitioner should file a renewed petition accompanied by corrected drawings in compliance with 37 CFR 1.84 and 1.182.

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice of Draftsperson's Patent Drawing Review

Form PTO-948 (Rev. 06/03)
Application No. 10/600313

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 06/20/2003 & 07/21/2006 are:

A. _____ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ✓ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)_____

___ Pencil and non black ink not permitted. Fig(s)____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)_____

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)_____

___ Poor quality (half-tone). Fig(s)_____

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)_____

___ Erasures, alterations, overwritings. interlineations, folds, copy machine marks not accepted. Fig(s)_____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)_____

___ Drawings sheets not an acceptable size. Fig(s)____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)_____

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)_____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

____ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)_____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)_____

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)_____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

✓ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 6.

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) _____

___ Solid black shading not permitted. Fig(s)_____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)_____

___ Figure legends are poor. Fig(s)_____

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)_____

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)_____

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)_____

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)_____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)_____

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)_____

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)_____

COMMENTS:

Reviewer SON LAM

Date 10/10/2006

If you have questions, call (703) ~~305-8404~~ 305-0333 (EXT. 133)

Attachment to Paper No. _____

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jan-07

WOLFF & SAMSON, P.C.
ONE BOLAND DRIVE
WEST ORANGE NJ 07052

COPY MAILED

JAN 17 2007

OFFICE OF PETITIONS

In re Application of :
Samuel Chase : DECISION ON PETITION
Application No. 10/600,313 :
Filed: 20 June, 2003 :
Atty Docket No. 9388/2/1 :

This is a decision on the renewed petition under 37 CFR 1.137(b),[1] filed on 24 October, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 15 March, 2005, for failure to timely submit corrected drawings in response to the Notice of Allowability, mailed on 14 December, 2004. Notice of Abandonment was mailed on 2 March, 2006. The petition filed on 21 July, 2006, was dismissed on 11 October, 2006.

Receipt of the new corrected drawings filed with the renewed petition is acknowledged.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

The application is being forwarded to the Publishing Division for processing into a patent.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/21/2010

Applicant	: Brian J. Cragun	: DECISION ON REQUEST FOR
Patent Number	: 7620648	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,317	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1319** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Yao-Hsun Huang
P.O. Box 697
Feng-Yuan City, Taichung Hsien
420
Taiwan

MAILED
FROM DIRECTORS OFFICE

MAR 16 2005

TECHNOLOGY CENTER 3600

In re Application of
Yao-Hsun Huang
Application No. 10/600,327
Filed: June 23, 2003
For: WATER SUCK DEVICE FOR FEEDING FAVORITE DOMESTIC ANIMALS

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on September 20, 2004.

The petition is **DISMISSED**.

A review of the file record reveals that a First Office Action was mailed to applicant on December 8, 2003. Since a response was not received before the expiration of the six-month statutory period for reply, the application became abandoned, and a Notice to that effect was mailed on August 12, 2004.

Applicant contends that the Office Action mailed December 8, 2003 was not received.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, that would have handled the Office communication. Applicant should also include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records, *or other method* which would serve as a reminder of a response due date, should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept,

failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.

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

KJD/rwg: 2/02/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE

JAN 13 2006

TECHNOLOGY CENTER 3600

YAO-HSUN HUANG
P.O. Box 697
Feng-Yuan City 420
Taichung Hsien
TAIWAN R.O.C.

In re Application of Yao-Hsun Huang Application No. 10/600,327 Filed: June 23, 2003 For: WATER SUCK DEVICE FOR FEEDING FAVORITE DOMESTIC ANIMALS	:	DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to applicant's renewed petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on May 05, 2005. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file records reveals that the application was held abandoned for failure to timely file a reply to the Office Action dated December 08, 2003. The application was held abandoned, and a Notice to that effect was mailed on August 12, 2004. The original petition to withdraw holding of abandonment filed on September 20, 2004 (duplicate copies received March 15 and 17, 2005) was dismissed as noted in the decision mailed March 16, 2005.

As noted in the decision of March 16, 2005, there is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's (in this case the inventor, Yao-Hsun Huang) statements of non-receipt should include a statement by him, *and* by anyone else at applicant's correspondence address, who would have handled the Office communication, *and* include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records *or other method* which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a

statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

The instant petition recites applicant has checked his file and reminding book and asked relatives who may have touched and/or saw the Office Communication. This petition fails to include any documentary evidence to support this statement such as a copy of files, documents and relevant pages of the reminder book referenced in the statement. The statement indicates that other people may have touched the documents but there is no statement of non-receipt *from those* people. Finally, applicant fails to state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.

KJ Down for

Randolph A. Reese
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6619

RAR/rjc 08/15/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OLIFF & BERRIDGE
P.O. BOX 19928
ALEXANDRIA VA 22320

COPY MAILED

JUN 13 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hitoshi Wada et al :
Application No. 10/600,353 :
Filed: June 23, 2003 :
Attorney Docket No. 116342 :

This is a decision on the petition, filed June 10, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on December 20, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2834 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. _____

Date : June 13, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Hitoshi Wada et al
Application No. :10/600,353
Filed :June 23, 2003

The above-identified application has been assigned Patent No. 6,906,445 and an issue date of June 14, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 14, 2005:

"All reference to Patent No. 6,906,445 to Hitoshi Wada et al of Japan for ROTARY ELECTRIC MACHINE appearing in the Official Gazette of June 14, 2005 should be deleted since no patent was granted."

Karen Creasy

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

cc: Paul Harrison, MDW-4B03, (FAX-273-5468
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038)
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 15 2004

MAILED
SEP 15 2004
OFFICE OF THE DIRECTOR
TC 3600

White & Case LLP
Patent Department
1155 Avenue of the Americas
New York, NY 10036

In re Application of: Vladyslaw Gutowski Serial No. 10/600,385 Filed: June 19, 2003 For: BRAKE BACKING PLATE AND METHOD AND APPARATUS FOR MAKING SAME	NOTIFICATION OF IDENTIFICATION OF PRIOR ART IN LATE FILED PROTEST UNDER 37 CFR 1.129(a)

The protest filed July 30, 2004 under 37 CFR 1.291 was filed after the January 29, 2004 publication date of the application.

Because the protest was filed after publication of the application, it is untimely and it is not being entered in the application file. The original protest is being discarded in accordance with MPEP 1901.06, Protest Filed After Allowance or Publication of the Application.

If appropriate, applicant may wish to consider submitting prior art from the protest pursuant to 37 CFR 1.97 and 37 CFr 1.56 during the prosecution of the application.

Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SM/SM: 9/14/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Ranjan K. Sen	: DECISION ON REQUEST FOR
Patent Number	: 7603442	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,394	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1313** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

JACKIE JAY SCHWARTZ
1350 BROADWAY
SUITE 1510
NEW YORK, NY 10018

COPY MAILED

JAN 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Bruce Merdjan	:	
Application No. 10/600,396	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 1052-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed August 27, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 28, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

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

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VINCENT J. GNOFFO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

COPY MAILED
JUN 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Vincent Chow et al	:	
Application No. 10/600,404	:	DECISION ON PETITION
Filed: June 20, 2003	:	TO WITHDRAW
Attorney Docket No. 3614-171	:	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 17, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Vincent J. Gnoffo on behalf of all attorneys of record.

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

The power of attorney submitted April 13, 2006 is not accepted. In this regard, compliance with 37 CFR 3.73(b) has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. A form for complying with the provisions of 37 CFR 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

All future correspondence will be directed to the first named inventor Vincent Chow at the address indicated below.

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

the assignee of the entire interest under 37 C.F.R. 3.71 at the first copied address below until otherwise properly notified by the applicant.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Vincent Chow
7980 Kingsbury Drive
Hanover Park, IL 60103

cc: Vedder Price Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, IL 60601

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Richard S. Bullitt
Bayer Corporation
36 Columbia Road
Box 1910
Morristown, NJ 07962-1910

COPY MAILED

MAY 2 6 2005

OFFICE OF PETITIONS

In re Application of

Schroeder and Steffens :

Application No. 10/600,409

: DECISION ON PETITION

Filed: June 19, 2003

:

Attorney Docket No. LeA 33 801

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2005, 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 non-final Office action mailed August 11, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 12, 2004. A Notice of Abandonment was mailed on April 8, 2005.

The amendment filed April 21, 2005, is noted.

The request for an extension of time filed February 17, 2004, is noted, however; the request was made outside the maximum statutory period set for reply and cannot be granted. The amount of $780.00 will be refunded, in due course.

Deposit account 02-1441 will be charged $1,500.00 for the instant petition fee.

The application is being forwarded to Technology Center 1600, GAU 1615 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

NOV 0 8 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Randy D. Akins
P.O. Box 91680
Tucson AZ 85752

In re Application of
Randy D. AKINS
Application No. 10/600,418
Filed: June 21, 2003
For: **SEQUENTIAL IMAGE ADVANCING SYSTEM (THE S.I.A.S.)**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed October 5, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;
(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

Applicant's submission is deficient in that items (2) and (3) above have not been met. Furthermore, the required fee has not been submitted.

Accordingly, the Petition is **DENIED**.

It is noted that an application which appears to be interfering with an unexpired patent is considered to have Special status, see MPEP 708.01, sub-paragraph (F). Accordingly, the application file is being forwarded to the examiner for determination as to whether interfering subject matter exists.

Any request for reconsideration of this decision must be filed within two months of the mailing date of this decision.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

11-16-04

IFW 8

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

NOV 0 8 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

OIPE JC68
NOV 1 5 2004
PATENT & TRADEMARK OFFICE

Randy D. Akins
P.O. Box 91680
Tucson AZ 85752

In re Application of
Randy D. AKINS
Application No. 10/600,418
Filed: June 21, 2003
For: **SEQUENTIAL IMAGE ADVANCING SYSTEM (THE S.I.A.S.)**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed October 5, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;
(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

Applicant's submission is deficient in that items (2) and (3) above have not been met. Furthermore, the required fee has not been submitted.

Accordingly, the Petition is **DENIED**.

It is noted that an application which appears to be interfering with an unexpired patent is considered to have Special status, see MPEP 708.01, sub-paragraph (F). Accordingly, the application file is being forwarded to the examiner for determination as to whether interfering subject matter exists.

Any request for reconsideration of this decision must be filed within two months of the mailing date of this decision.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

11/18/2004 MMEKONEN 00000058 10600418

01 FC:1460 130.00 OP

BEST AVAILABLE COPY

OIPE JC88
NOV 15 2004
PATENT & TRADEMARK OFFICE

To: Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications

DATE: 15 November 2004

Mr. Wieder,

Thank you for your response regarding my petition to Make Special.

I have enclosed the appropriate fee to Make Special. I have made a rigid comparison of Mr. Hamilton's device (US 6,483,019) and my own Sequential Image Advancing System (100/600,418) and have found unquestionable infringement in my opinion. I thoroughly searched prior art as can be seen in my patent application. References that most closely relate to infringement on my invention are currently on record (originally sent in May 2004 and re-sent again in October 2004 by fax) and listed below.

Comparison of Mr. Hamilton's device and my own device.

Both devices have a lcd screen and a housing surrounding that screen.
Both devices function by using computer processing and computer memory.
Both devices are software driven.
Both devices relate to the electronic display of music.
Both devices are very similar to a laptop computer .
Both devices can be placed on a music stand.
Both devices allow musicians to view their particular music for their own individual instrument...(for example: a flute player's music will "look" different than a trombone player's music).
Both devices advance pages of sheet music by using touch screen or remote (radio wave) capabilities.
Both devices advance pages by foot pedals or switches.
Both devices allow the user to advance or "reverse" the presentation of music pages by using the foot pedals.
Both devices have internet capabilities by using ethernet connections.
Both devices have USB ports and expansion ports.
Both devices allow the user to download sheet music.
Both devices allow the viewing devices to be connected to an external computer along with an onboard computer processor.
Both devices allow the user to "scan" music into the computer memory for presentation on the lcd screen.
Both devices allow the user the option to present the annotations and symbols in different colors or fonts on the viewing screen.
Both devices allow the user to display more than music on the lcd screen...such as words, and other information.

Randy Alves →

Both devices allow the user to load music by use of software or cd-rom.

Both devices present music symbols, music staves and other symbols (that are presented by a traditional selection of music or printed on a page of sheet music) on the viewing lcd viewing screen.
Both devices allow the user to control how the music is presented on the lcd screen.
Both devices allow the user to access the (stored individual selections of music) from a storage index or table of contents.
Both devices have MIDI capabilities.
Both devices allow for "timed or automatic" page advancing.
Both devices have a storage system, retrieving system, editing system and presenting systems.
Both devices can be connected to other similar display screens allowing plurality of viewers (for example: all musicians in a band or orchestra).by way of wires, computer cables and/or remotes (radio frequencies or more advanced wire-less controllers).

Both devices have the ability to allow the user to input information (Mr. Hamilton presents a "stylus" and my invention has navigational buttons along with capabilities to allow the user to use a computer keyboard to "type" information and symbols will help the user while performing.
Both devices are focused on helping musicians turn pages with or without the musician having to reach in order to turn a printed-page of music.
Both devices can be used by one individual (for example: a pianist) or by many musicians
Both devices can be built into a music stand.

Mr. Hamilton's invention is a duplicate of my invention. I am asking to make this case Special and it is my continued hope that the Patent Examiners will see that Mr. Hamilton has made an infringement on my Sequential Image Advancing Device.

Please Make Special,

Sincerely,

Randy Akins

Randy Akins

P.O. Box 91680
Tucson, Arizona
85752-1680

520-888-3739

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

JAN 24 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Randy D. Akins
P.O. Box 91680
Tucson AZ 85752

In re Application of
Randy D. AKINS
Application No. 10/600,418
Filed: June 21, 2003
For: **SEQUENTIAL IMAGE ADVANCING SYSTEM (THE S.I.A.S.)**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the request for reconsideration on denial of petition filed November 15, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;
(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

Applicant's submission now meets the requirements set forth above.

Accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the examiner for expedited action.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

FEB 16 2007

OFFICE OF PETITIONS

RANDY D. AKINS
P.O. BOX 91680
TUSCON AZ 85752

In re Application of	:	
Randy D. Akins	:	
Application No. 10/600,418	:	ON PETITION
Filed: June 21, 2003	:	
For: SEQUENTIAL IMAGE ADVANCING SYSTEM (THE S.I.A.S.)	:	

This is a decision on the petition, filed February 15,2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on December 12, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2629 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

MAIL

JAN 29 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TAKEHIRO YOSHIDA ET AL	:	DECISION ON REQUEST TO
Application No. 10/600433	:	PARTICIPATE IN PATENT
Filed: June 23, 2003	:	PROSECUTION HIGHWAY
Attorney Docket No. 03560.003313	:	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 January 8, 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 fail to include:

Item 6 above. The IDS filed on 1/8/07 was not signed.

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 John Peng at 571-273-7272 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

MAIL

FEB 28 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TAKEHIRO YOSHIDA ET AL	:	DECISION ON REQUEST TO
Application No. 10/600433	:	PARTICIPATE IN PATENT
Filed: June 23, 2003	:	PROSECUTION HIGHWAY
Attorney Docket No. 03560.003313	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 15, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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.

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 2 6 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800

In re Application of	:	
MASAO WATANABE	:	DECISION ON REQUEST TO
Application No. 10/600449	:	PARTICIPATE IN PATENT
Filed: June 23, 2003	:	PROSECUTION HIGHWAY
Attorney Docket No. 03560.003315	:	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 1, 2006, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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.

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED
MAY 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Egisto Boschetti, et al.	:	
Application No. 10/600,451	:	DECISION ON REQUEST
Filed: June 23, 2003	:	TO WITHDRAW
Attorney Docket No. 039322-0233	:	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 16, 2005.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: Amelia Au

cc: A.J. Bokal
Invitrogen Corporation
1600 Faraday Avenue
Carisbad, CA 92008

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : June 09, 2008

TO SPE OF : ART UNIT 1655

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/600480 Patent No.: 7202064 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

Terry A McKelvey
TERRY MCKELVEY, PH.D.
SUPERVISORY PATENT EXAMINER
SPE

1655
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Snell and Wilmer, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

COPY MAILED
APR 01 2004
OFFICE OF PETITIONS

In re Application of	:	
Marc Benkert, et al.	:	
Application No. 10/600,483	:	ON PETITION
Filed: June 19, 2003	:	
Attorney Docket No. 60655.1100	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 1, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-3475.

Marianne E. Morgan

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Grace Park
1024 Preserve Park
Great Falls, VA 22066

COPY MAILED
APR 01 2004
OFFICE OF PETITIONS

In re Application of
Marc Benkert; Chriss Hobbs; Kazuhiko Okamoto; Grace Park; Tomer Rubinshtein
Application No. 10/600,483
Filed: June 19, 2003
For: SYSTEM AND METHOD FOR FACILITATING A SUBSIDIARY CARD ACCOUNT

Dear Ms. Park:

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 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 Marianne Morgan at (703) 306-3475. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Snell and Wilmer, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

COPY MAILED

FEB 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Shelley R. **GOODSTEIN**	:	
Application No. 10/600,488	:	DECISION ON PETITION
Filed: June 20, 2003	:	TO WITHDRAW
Attorney Docket No. 3945P2627	:	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 23, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request do not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SHELLEY R. GOODSTEIN**
4870 NORTH GREY NOUNTAIN TRAIL
TUCSON, AZ 85750

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JENNIFER D. ADAMSON
SHELL OIL COMPANY
LEGAL - INTELLECTUAL PROPERTY
P.O. BOX 2463
HOUSTON, TX 77252-2463

COPY MAILED
JUL 27 2004
OFFICE OF PETITIONS

In re Application of :
Assink, et al. :
Application No. 10/600,494 : ON PETITION
Filed: June 7, 2004 :
Attorney Docket No. TS-0715 02 (US) :

This is a decision on the papers styled, "Response To Notice Of Incomplete Nonprovisional Application," filed June 7, 2004, which has been treated as a petition requesting that the above-identified application be accorded a filing date of June 7, 2004.

The petition is **granted**.

The above-identified application was submitted on June 20, 2003. However, on May 6, 2004, a "Notice Of Incomplete Nonprovisional Application" (Notice) stating that the application had not been accorded a filing date, that the filing date will be the date of receipt of all items required below, and advising applicants that:

- The specification is missing
- The specification does not include at least one claim.
- The oath or declaration is missing

In response, on June 7, 2004, the specification, the declaration and the present petition were filed.

As stated in the Notice, and in view of the above, the application will be processed with a filing date of June 7, 2004, and will incorporate the specification and declaration, filed June 7, 2004.

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of June 7, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark A. Watson
Lyon & Harr
Suite 800
300 Esplanade Drive
Oxnard CA 93030

COPY MAILED

SEP 09 2008

OFFICE OF PETITIONS

In re Application of
Liu, et al.
Application No. 10/600,520
Filed: June 19, 2003
Attorney Docket No. MCS-005-03 (303702.01)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2008, to revive the above-identified application.

This application became abandoned for failure to properly respond to the final Office action mailed September 25, 2007, which set an extendable three month period for reply. Applicants submitted an amendment after final on December 27, 2007(certificate of mailing date December 26, 2007). The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the February 1, 2008 Advisory action. Accordingly, this application became abandoned on December 26, 2007. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicants have submitted a RCE and required fee and an amendment as the submission in reply to the September 25, 2007 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 25, 2007 final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 2621 for consideration of the RCE and amendment filed on July 11, 2008.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Shmuel Winograd et al	:	
Application No. 10/600,593	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. YOR920030069	:	
(00280742AA)	:	

This is a decision on the petition, filed April 10, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before February 20, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed November 20, 2006.

Petitioner asserts that the Notice dated November 20, 2006 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition 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.

This application is being referred to the Technology Center AU 2133 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of November 20, 2006. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-07

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

COPY MAILED

MAY 07 2007

OFFICE OF PETITIONS

In re Patent No. 6786086	:	
Issued: 04/05/2005	:	
Application No. 10/600595	:	ON PETITION
Filed: 06/23/2003	:	
Attorney Docket: Q76254	:	
	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 7 February, 2006.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

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.**

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JUN 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Younger et al.	:	DECISION ON PETITION
Application No. 10/600,676	:	TO WITHDRAW
Filed: June 19, 2003	:	FROM RECORD
Attorney Docket No. ABDT-0564/B030150	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed March 6, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steven B. Samuels on behalf of all attorneys of record who are associated with Customer Number 23377.

All attorneys/agents associated with Customer Number 23377 have been withdrawn. Applicants are 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 inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the first named inventor at the first below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

Cc:

HAROLD R. YOUNGER
P.O. BOX 474
HALIFAX, VA 24558

ABB INC
LEGAL DEPT - 4U6
29801 EUCLID AVE
WICKLIFFE, OH 44092

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

COPY MAILED

JUL 26 2007

OFFICE OF PETITIONS

In re Application of	:	
YOUNGER et al	:	
Application No.: 10/600,676	:	DECISION ON PETITION
Filing Date: June 19, 2003	:	UNDER 37 CFR 1.137(B)
Attorney Docket No.: ABDT-0564/B030150	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 29, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed July 7, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on October 8, 2006.

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

This application is being referred to the Office of Publications.

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

BryanLin

Bryan Lin
Legal Examiner
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

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

COPY MAILED

AUG 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Sung-Kee Kim, et. al.	:	
Application No. 10/600,685	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 5000-1-363	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on February 9, 2007, to revive the above-identified application.

The application became abandoned for failure to timely reply to the non-final Office action mailed July 13, 2006. A Notice of Abandonment was mailed on January 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2613, 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

OIPE
OCT 1 4 2003
PATENT & TRADEMARK

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CRAWFORD MAUNU PLLC
1270 NORTHLAND DRIVE
SUITE 390
ST. PAUL, MN 55120

COPY MAILED
AUG 2 6 2003
OFFICE OF PETITIONS

In re Application of :
ALEXOPOULOS et al :DECISION GRANTING FILING
Application No. 10/600,730 :DATE OF JUNE 20, 2003
Filed: June 20, 2003 :
Attorney Docket No. HITG.028USD1 :

This is a decision on the petition under 37 CFR 1.10(d), filed July 15, 2003, requesting that the above-identified application be accorded a filing date of June 20, 2003, rather than the presently accorded filing date of June 21, 2003, which latter date appears on the copy of the Express Mail label submitted with the instant petition.[1]

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 20, 2003. In support, petitioner has supplied a copy of his USPS receipt dated June 20, 2003, at 4:13 p.m., which bears, *inter alia*, Express Mail label No. EV 309495695 US." The transmittal for the instant application contains a certificate of mailing under 37 CFR 1.10 with the same Express Mail label number appearing on the corporate account statement.

Further, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on June 20, 2003 at the Minneapolis, MN USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on June 20, 2003. Accordingly, the

[1] While the USPTO computer database does not yet indicate that a filing date other than June 20, 2003 has been assigned to this application, based on the image file wrapper copy of the transmittal for the instant application and the evidence supplied by petitioner herein; i.e., a copy of a stamped return post card bearing a June 21, 2003 receipt date, the application would, in all likelihood, be assigned a filing date of June 21, 2003, rather than the June 20, 2003 date requested by this petition.

OIPE
OCT 1 4 2003
PATENT & TRADEMARK OFFICE

instant application is entitled to a filing date of June 20, 2003, and has been so accorded.

The petition is **granted**.

Telephone inquiries specific to this decision on petition should be directed to Frances Hicks at (703) 305-8680.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIGGS AND MORGAN P.A.
2200 IDS CENTER
80 SOUTH 8TH ST
MINNEAPOLIS MN 55402

COPY MAILED

MAY 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
SMITH, Fred et al.	:	
Application No. 10/600,738	:	DECISION ON PETITION
Filed: June 20, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **081913-0118 BSIL-0116**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Fred Hewitt Smith is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2135 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 27 2010

OFFICE OF PETITIONS

Pierce Atwood LLP
160 Federal Street
10th Floor
Boston MA 02110

In re Patent No. 7,475,428	:	DECISION ON REQUEST
Smith, et al.	:	FOR
Issue Date: January 6, 2009	:	RECONSIDERATION OF
Application No. 10/600,738	:	PATENT TERM ADJUSTMENT
Filed: June 20, 2003	:	and
Atty Docket No.BSIL-0116US	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 4, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand, one hundred and forty (1,140) 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 one thousand seventy-seven (1,077) days is GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 21, 2006, and ends on August 11, 2008, the day before the RCE was filed, and is 783 (not 784) days. See 35 U.S.C. 154(b)(1)(B)(i).

It is noted that patentees failed to account for the filing of the notice of appeal on January 29, 2008. The Office reminds patentees that the period consumed by appellate review, whether

successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). In this instance, the period consumed by appellate review is 195 days, beginning on the date on which the notice of appeal to the Board of Patent Appeals and Interferences was filed, January 29, 2008, and ending on the day before the Request for Continued Examination was filed, August 11, 2008. Thus, the B delay is 588 days (783 - 195). Accordingly, the patent term adjustment is 1,077 days (677 days of A delay + 588 days of B delay - 0 days of overlap[1] - 188 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, 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 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 **one thousand seventy-seven (1,077) 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

[1] The relevant period of "B" delay for determining periods of overlap began January 1, 2007, and ended August 11, 2008. The period of" "A" delay began December 27, 2004, and ended November 3, 2006. Accordingly, there are no overlapping periods of delay between "A" delay and "B" delay.

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,475,428 B2

DATED : Jan. 6, 2009

INVENTOR(S) : Smith 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 (596) days

Delete the phrase "by 596 days" and insert – by 1,077 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

BRIGGS AND MORGAN, P.A.
2400 IDS CENTER
MINNEAPOLIS, MN 55402

COPY MAILED
APR 21 2004
OFFICE OF PETITIONS

In re Application of :
Luyken, Seitz, Preece, Weber and Schmid :
Application No. 10/600,750 :
Filed: June 19, 2003 :
Title of Invention: :
CIRCUIT ELEMENT HAVING A FIRST LAYER :
COMPOSED OF AN ELECTRICALLY INSULATING :
SUBSTRATE MATERIAL, A METHOD FOR :
PRODUCING A CIRCUIT ELEMENT, :
BISPYRIDINIUM COMPUNDS AND THEIR USE IN :
CIRCUIT ELEMENTS :

DECISION REFUSING
STATUS UNDER
37 CFR 1.47

This is in response to a petition under 37 CFR 1.47(a), filed February 10, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 19, 2003, without a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on September 16, 2003, requiring *inter alia*, an executed oath or declaration.

In response to the Notice, Applicant files the instant petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventors.

In support of the petition the Applicant provides copies of letters from the nonsigning inventor requesting remuneration before signing the declaration.

Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1).

As to item (1), where it is alleged that an applicant refuses to join an application, the applicant must establish that the nonsigning inventor was presented with the application for signature. The Manual of Patent Examining Procedure ("MPEP") states that

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

MPEP 409.03(d).

As to item (1), applicant failed to show or provide proof that the inventor refused to sign the declaration. Before an inventor can refuse to sign an oath or declaration, he must have been *presented with a copy of the application papers (specification, claims and drawings)*. *See* MPEP 409.03(d).

Applicant present a copy of the application papers were presented to the inventor.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2201 South Clark Place
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIGGS AND MORGAN, P.A.
2400 IDS CENTER
MINNEAPOLIS, MN 55402

In re Application of Luyken, Seitz, Preece, Weber and Schmid Application No. 10/600,750 Filed: June 19, 2003 Title of Invention: CIRCUIT ELEMENT HAVING A FIRST LAYER COMPOSED OF AN ELECTRICALLY INSULATING SUBSTRATE MATERIAL, A METHOD FOR PRODUCING A CIRCUIT ELEMENT, BISPYRIDINIUM COMPUNDS AND THEIR USE IN CIRCUIT ELEMENTS	DECISION GRANTING STATUS UNDER 37 CFR 1.47

COPY MAILED
FEB 18 2005
OFFICE OF PETITIONS

This is in response to a petition under 37 CFR 1.47(a), filed December 22, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Jon Preece, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney Advisor
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

Dr. Jon A. Preece
Flat 4, 55 Anderton Park Road
Moseley
Birmingham
B13 9DU
United Kingdom

In re Application of :
Luyken, Seitz, Preece, Weber and Schmid:
Application No. 10/600,750 :
Filed: June 19, 2003 :
Title of Invention: CIRCUIT ELEMENT : LETTER
HAVING A FIRST LAYER COMPOSED OF AN :
ELECTRICALLY INSULATING SUBSTRATE :
MATERIAL, A METHOD FOR PRODUCING A :
CIRCUIT ELEMENT, BISPYRIDINIUM :
COMPUNDS AND THEIR USE IN CIRCUIT :
ELEMENTS :

COPY MAILED
FEB 18 2005
OFFICE OF PETITIONS

Dear Dr. Preece:

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 (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: BRIGGS AND MORGAN, P.A.
2400 IDS CENTER
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph A. Sawyer, Jr.
SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, California 94303

MAILED

NOV 16 2006

Technology Center 2100

In re Application of:
William G. PAGAN
Appl. No.: 10/600,772
Filed: June 20, 2003
For: METHOD AND SYSTEM FOR PERFORMING AUTOMATIC STARTUP APPLICATION LAUNCH ELIMINATION

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 03 April 2006, to expunge information unintentionally submitted in application pursuant to MPEP § 724.05.

The petition is **DISMISSED AS MOOT**.

Petitioner requests that the amendment filed on 17 February 2006 be expunged from the record. Petitioner states that the amendment was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party in interest on whose behalf the amendment was submitted. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition filed on 03 April 2006 was crossed-over in the U.S. Patent and Trademark Office (the Office) mailroom when the Office mailed the Final Office Action on 04 April 2006. Prior to 03 April 2006, the amendment submitted on 17 February 2006 was entered, and the Final Office Action had been prepared by the examiner to be mailed on 04 April 2006. A review of the amendment submitted on 17 February 2006 indicated the amendment was fully complied with 37 CFR §§ 1.121 and 1.111. In addition, an amendment after final and RCE were submitted on 09 June 2006 and 01 August 2006, respectively.

Accordingly, the petition to expunge the amendment submitted on 17 February 2006 must be **dismissed as moot**.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAIL

MAY 0 4 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Nabekura, et al.
Application No. 10/600,801
Filed: June 19, 2003
For: INFORMATION PROCESSING DEVICE AND SETTING METHOD FOR SAME

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 04 March 2005, 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 **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. §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.

The petition filed 04 March 2005 fails to adequately meet requirement (e) of the criteria set forth above. 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. Rather, the identical statement, which in essence indicates that most of the limitations of independent claims 1, 5, 7, 11, 14, or 16, are not disclosed by the reference, is presented for each of the ten references deemed "most closely related". The detailed discussion should be 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. Additionally, it is not clear that the search was directed to the claimed invention if almost none of the claim limitations were found in the prior art deemed "most closely related".

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.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

JUL 1 3 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

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

In re Application of: NABEKURA, et al.
Application No. 10/600,801
Filed: June 19, 2003
For: INFORMATION PROCESSING DEVICE AND SETTING METHOD FOR SAME

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 21 June 2005, 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 renewed petition was filed in response to a dismissal of the original petition filed 04 March 2005. The petition was dismissed for failure to provide 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.

Applicants' submission filed 21 June 2005 corrects the deficiency noted in the original decision. The combined submissions meet 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 MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,302,606 B2
Serial No. : 10/600,828
Inventor(s) : Fujimoto et al.
Issued : November 27, 2007
Title : **FAULT RECOVERY METHOD AND A STORAGE CONTROLLER IN AN INFORMATIN PROCESSING APPARATUS**
Docket No. : **29287/140**

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.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, which requires petition under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

If 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.

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Ernest C. White, ***LIE***
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

KENYON & KENYON LLP
Suite 700
1500 K Street, N.W.
Washington DC 20005

ecw

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 2 5 2009

OFFICE OF PETITIONS

KENYON & KENYON LLP
Suite 700
1500 K Street, N.W.
Washington DC 20005

In re Patent No. 7,302,606	:	
Issue Date: November 27, 2007	:	
Application No. 10/600,828	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 29287/140	:	

This is a decision on the Request for Certificate of Correction Pursuant To 37 CFR 1.323 & 1.323 & Petition, filed March 18, 2008, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the name of omitted assignee. A completed Certificate of Correction Form accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to add the omission of the first assignee's name on the previously submitted PTOL-85B and that such omission was accidentally. Accordingly, petitioner requests that a Certificate of Correction be issued to add the accidentally omitted assignee's name to the Title Page of the Letters Patent.

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

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

The petition was accompanied deposit account authorization to charge any required fees. As such, the requisite $100.00 fee (Fee Code 1811) and the $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been charged as authorized in the petition. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office

to issue a Certificate of Correction in accordance with the content of the Form that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,302,606.

Brian W. Brown
Petitions Examiner
Office of Petitions

09/389857

Cont

PATENT
Docket No.: 29287/140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Takeo FUJIMOTO, *et al.*

SERIAL NO. : 10/600,828

FILED : 23 June 2003

FOR : FAULT RECOVERY METHOD AND A STORAGE CONTROLLER IN AN INFORMATION PROCESSING APPARATUS

PATENT NO. : 7,302,606 B2 Issued 27 November 2007

Mail Stop - Petitions
COMMISSIONER FOR PATENTS
Customer Service Window
Randolph Bldg.
401 Dulany Street
Alexandria, VA 22314

Attention: Mary F. Diggs

RESPONSE TO REQUEST FOR PETITION AND FEE FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. §1.322 & §1.323 & 3.81(b)

SIR:

In response to the notification claiming that items B and C were not included, submitted herewith is an exact copy of the Request for Certificate of Correction and Petition and Certificate of Correction as filed on 19 March 2008, together with the stamped postcard.

Please note that the Petition under 3.81(b) was included and the fees of $100.00 plus the petition fee of $130.00 were charged in the original request and petition to Deposit Account No. 11-0600.

A copy of the response to the Request for Certificate of Correction is enclosed.

Issuance of the enclosed certificate of correction as originally filed correcting the applicants' information is respectfully requested.

Respectfully submitted,

Dated: 04 November 2008

/Shawn W. O'Dowd/
Shawn W. O'Dowd
(Reg. No. 34,687)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220-4200

09/25/2009 CKHLOK 00000009 110600 10600828
01 FC:1811 100.00 DA
02 FC:1464 130.00 DA

The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of

INVENTOR : Takeo FUJIMOTO, et al.
PATENT NO. : 7,302,606 B2
ISSUED : 27 November 2007

Enclosed:

1. REQUEST FOR ISSUANCE OF A CERTIFICATE OF CORRECTION & PETITION
   CHARGE ACCOUNT $100.00 PLUS $130.00 PETITION FEE
2. CERTIFICATE OF CORRECTION

MAR 19 2008
PATENT & TRADEMARK OFFICE
IAP97

SWO/is 29287/140 03/18/08

PATENT
Docket No.: 29287/140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Takeo FUJIMOTO, *et al.*

SERIAL NO. : 10/600,828

FILED : 23 June 2003

FOR : FAULT RECOVERY METHOD AND A STORAGE CONTROLLER IN AN INFORMATION PROCESSING APPARATUS

PATENT NO. : 7,302,606 B2 Issued 27 November 2007

Mail Stop - Petitions
COMMISSIONER FOR PATENTS
Customer Service Window
Randolph Bldg.
401 Dulany Street
Alexandria, VA 22314

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. §1.322 & §1.323 & PETITION

SIR:

It is respectfully requested that the enclosed certificate of correction be issued for the above Patent under authority of 35 USC §354 & §355.

Please charge Deposit Account No. 11-0600 in the amount of $100.00 to cover the fee under 37 C.F.R. 1.20(a).

PETITION UNDER 3.81(b)

The first assignee was accidentally omitted on the issue fee transmittal form. The assignment to both assignees, Hitachi, Ltd. and Hitachi Software Engineering Co., Ltd., was recorded at Reel 010229, Frame 0642 in parent application Serial Number 09/389,857.

Please charge Deposit Account No. 11-0600 in the amount of $130.00 to cover the petition fee.

A copy of this sheet is enclosed for that purpose.

Respectfully submitted,

Dated: 18 March 2008

Shawn W. O'Dowd
(Reg. No. 34,687)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,302,606 B2	Page 1 of 1
DATED	:	27 November 2007	
INVENTOR(S)	:	Takeo FUJIMOTO, et al.	

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

In the Title Page: After the listing of the inventors and before "(*) Notice:" change the assignee information to read as follows:

--(73) Assignee: Hitachi, Ltd., Tokyo (JP); and Hitachi Software Engineering Co., Ltd., Yokohama (JP)--.

MAILING ADDRESS OF SENDER:

Shawn W. O'Dowd
KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005

Patent No.: 7,302,606 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,302,606 B2
Serial No. : 10/600,828
Inventor(s) : Fujimoto et al.
Issued : November 27, 2007
Title : **FAULT RECOVERY METHOD AND A STORAGE CONTROLLER IN AN INFORMATIN PROCESSING APPARATUS**
Docket No. : **29287/140**

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.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, which requires petition under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items B and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

If 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.

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

KENYON & KENYON LLP
Suite 700
1500 K Street, N.W.
Washington DC 20005

ecw

Continuity/Reexam Information for 09/389857

Parent Data
No Parent Data

Child Data
10600828, filed on 06/23/2003 ,now U.S. Patent #7302606 is a continuation of 09389857 , filed on 09/02/1999 ,now abandoned

Search Another: Application # Search **or Patent#** Search
PCT / / Search **or PG PUBS #** Search
Attorney Docket # Search
Bar Code # Search

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

Patent Assignment Abstract of Title

Total Assignments: 1

Application #: 09389857 **Filing Dt:** 09/02/1999 **Patent #:** NONE **Issue Dt:**

PCT #: NONE **Publication #:** NONE **Pub Dt:**

Inventors: TAKEO FUJIMOTO, HISAO HONMA, KATSUHIRO OKUMOTO

Title: FAULT RECOVERY METHOD AND A STORAGE CONTROLLER IN AN INFORMATION PROCESSING APPARATUS

Assignment: 1

Reel/Frame: 010229 / 0642 **Received:** 09/16/1999 **Recorded:** 09/02/1999 **Mailed:** 11/17/1999 **Pages:** 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: FUJIMOTO, TAKEO **Exec Dt:** 08/24/1999

HONMA, HISAO **Exec Dt:** 08/24/1999

OKUMOTO, KATSUHIRO **Exec Dt:** 08/24/1999

SAKAGUCHI, OSAMU **Exec Dt:** 08/24/1999

Assignees: HITACHI, LTD.
6, KANDA SURUGADAI 4-CHOME, CHIYODA-KU
TOKYO 101-8010, JAPAN

HITACHI SOFTWARE ENGINEERING CO.,LTD.
6-81 ONOE-CHO,NAKA-KU YOKOHAMA-SHI
6, KANDA SURUGADAI 4-CHOME, CHIYODA-KU
KANAGAWA-KEN 231-0015, JAPAN

Correspondent: KENYON & KENYON
EDWARD W. GREASON
ONE BROADWAY
NEW YORK, NY 10004

Search Results as of: 09/24/2009 12:01 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.1

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10600828

Total Records Found: 6

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/16/2007	00000145	1	1504	$300.00	10/15/2007	DA 110600
10/16/2007	00000146	1	8001	$15.00	10/15/2007	DA 110600
10/16/2007	00000144	1	1501	$1,440.00	10/15/2007	DA 110600
06/07/2007	00000001	1	1201	$800.00	05/29/2007	DA 110600
05/30/2007	00000234	1	1251	$120.00	05/29/2007	DA 110600
06/25/2003	00000006	1	1001	$750.00	06/23/2003	DA 110600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 7+

DATE : January 5, 2007

TO SPE OF : ART UNIT 2163

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/600861 Patent No.: 7,136,863 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Elisha Evans
Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

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

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

Comments: CHANGES ON PAGE 1 OF 2 CORRECTING TYPO ERRORS ARE APPROVED. CHANGES ON PAGE 2 OF 2 ARE DENIED AS AFFECTING THE SCOPE OF THE CLAIMS.

SPE

2163
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

Mail Date: 04/20/2010

Applicant	: R. Glen Coleman	: DECISION ON REQUEST FOR
Patent Number	: 7615015	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/600,871	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN, VIEW CA 94041

COPY MAILED

APR 15 2008

OFFICE OF PETITIONS

In re Application of

FUNG, Kevin KS
Application No. 10/600,888
Filed: June 20, 2003
Attorney Docket No. **23876-08031**

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 26, 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 Michael W. Farn 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.

The application became abandoned for failure to timely respond to the outstanding Office action mailed October 03, 2007.

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: **KEVIN KS FUNG**
3 REPULSE BAY ROAD
FLAT A, 22ND FLOOR
HONG KONG, HONG KONG

cc: **EXCHANGEREPUBLIC.COM LIMITED**
PROSPECT MANSION
66-72 PATERSON STREET, FLAT B, 11/F
CAUSEWAY BAY
HONG KONG, CHINA

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS

March 21, 2005

Jeffrey K. Weaver
Beyer Weaver & Thomas
P. O. Box 778
Berkeley, Ca 94704-0778

In re Application of:
Somasundaram
Serial No: 10/600,893 On Petition
Filing Date: June 19, 2003
For: **APPARATUS AND METHODS FOR HANDLING SHARED SERVICES THROUGH VIRTUAL ROU FOR WARDING(VRF) -AWARE- NAT**

In response to the petitions received on October 25, 2004, to withdraw the holding of abandonment in the above application.

The petition is Granted.

The above-identified application became abandoned for failure to reply with the meaning of 37 C.D.R 1.113 in a timely manner to the Notice to File Corrected Application Papers mailed September 25, 2003 Which set forth a shortened statutory period for reply of two months. Accordingly, the above-identified application became abandoned November 26, 2003. The notice of abandonment was mailed on October 15, 2004.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Corrected Applic Papers on November 28, 2003.

The application was abandoned in error. The office regrets any inconvenience this may have caused the client.

Telephone inquiries concerning this application may be directed to Doshie E. Day (703) 308-3640.

Doshie E. Day
Program Management Assistant
Office of Initial Patent Examination

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Klaus H. Wiesmann
Battelle Memorial Institute
505 King Avenue
Columbus, OH 43201-2693

COPY MAILED

APR 0 1 2005

OFFICE OF PETITIONS

In re Application of
McGinniss et al.
Application No. 10/600,901
Filed: June 20, 2003
Attorney Docket No. 12665DIV1

Decision on Petition

This is a decision on the petition filed November 18, 2003, to accord the above-identified application a filing date of June 20, 2003. The Office apologizes for the delay in the issuance of a decision on the petition.

The petition is **granted**.

Facts:

Petitioner mailed the application on June 20, 2003, by Express Mail.

After the application was mailed, petitioner discovered portions of the application had been inadvertently omitted.

Petitioner mailed the missing portions on June 20, 2003, by Express Mail.. The papers included discussion of the failure to include the papers when the application was filed.

Office records indicate a submission date of June 20, 2003, for both sets of papers and both sets of papers were associated with application no. 10/600,901.

On September 25, 2003, the Office of Initial Patent Examination mailed a Notice stating that the specification was not present and that a filing date had not been accorded and the filing date would be the date of receipt of specification.

In response, the present petition was filed requesting a filing date of June 20, 2003.

Analysis:

Since an issue concerning the submission dates of papers does not exist, the petition will be treated as a petition under 37 CFR 1.53 rather than a petition filed under 37 CFR 1.10.

The "application as filed" includes the first set of papers. The application as filed was not entitled to a filing date. In these circumstances, the Office notifies an applicant of the deficiency and notifies application that a filing date will be assigned upon the submission of the items. In other words, the filing date assigned is the date of the submission of the required items. In this case, all of the required items were mailed later on June 20, 2003. Therefore, the application is entitled to a filing date of June 20, 2003.

No petition fee is required and none has been charged.

The Notice mailed September 25, 2003, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will process the application with a filing date of June 20, 2003, using all of the application papers which were received on June 20, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLAUS H. WIESMANN
BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS, OH 43201-2693

COPY MAILED

MAR 23 2006

OFFICE OF PETITIONS

In re Application of	:
Vincent D. McGinniss et al	:
Application No. 10/600,901	: DECISION GRANTING PETITION
Filed: June 20, 2003	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12665DIV1	:

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 21, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The request for extension of time filed with the RCE on March 20, 2006 is unnecessary since there is no outstanding Office action to which a reply is due. Accordingly, the extension of time will not be processed nor has any fee been assessed to petitioner's deposit account for an extension of time.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1712 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Mar9\600901.wpd

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

COPY MAILED

AUG 06 2008

In re Application of	:	
Ka Shun Kevin Fung	:	
Application No. 10/600,903	:	DECISION ON PETITION
Filed: June 19, 2003	:	TO WITHDRAW
Attorney Docket No. 2701P	:	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 26, 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 Michael W. Farn 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.

The application became abandoned for failure to timely respond to the Office action mailed January 4, 2008.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Ka Shun Kevin Fung**
Flat A, 22nd Floor
3 Repulse Bay Road
Hong Kong,
P.R. China

cc: **Exchange Republic.com Limited**
Flat B, 11/F, Prospect Mansion
66-72 Peterson Street
Causeway Way
Hong Kong
P.R. China

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
10/600,903	06/19/2003	Ka Shun Kevin Fung	2701P

CONFIRMATION NO. 9217

SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

POWER OF ATTORNEY NOTICE

OC000000031372758

Date Mailed: 08/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2004.

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

/tswilliams/

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

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

Beirne, Maynard & Parsons, L.L.P.
Ste. 2500
1300 Post Oak Blvd.
Houston TX 77056-3000

COPY MAILED

SEP 23 2005

OFFICE OF PETITIONS

In re Application of :
Louis Wardlaw :
Application No. 10/600,921 :
Filed: June 20, 2003 :
Attorney Docket No. 002663/030490 :
Title of Invention: Apparatus and :
Method for Elevated Temperature Weld :
Testing :

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed August 24, 2005, to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on August 28, 2003. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). . Accordingly, this application became abandoned on October 28, 2003. A Notice of Abandonment was mailed on October 15, 2004.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

The Office acknowledges receipt of the declaration submitted with the instant petition.

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Beirne, Maynard & Parsons, L.L.P.
Ste. 2500
1300 Post Oak Blvd.
Houston TX 77056-3000

COPY MAILED

FEB 12 2007

OFFICE OF PETITIONS

In re Application of	:	
WARDLAW	:	
Application No.: 10/600,921	:	DECISION ON PETITION
Filing Date: June 20, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 002663/030490	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed March 8, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on June 8, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action mailed March 8, 2006 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 2856 for appropriate action, if any, on the reply in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Beirne, Maynard & Parsons, L.L.P.
Ste. 2500
1300 Post Oak Blvd.
Houston TX 77056-3000

COPY MAILED

AUG 0 8 2007

OFFICE OF PETITIONS

In re Application of
WARDLAW
Application No.: 10/600,921
Filing Date: June 20, 2003
Attorney Docket No.: 002663/030490

SUPPLEMENTAL DECISION

This decision is supplemental to the decision mailed February 12, 2007.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed March 8, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on June 8, 2006.

The decision mailed February 12, 2007 granted applicant's petition under 37 CFR 1.137(b) filed September 21, 2006, but failed to set a time period for filing the Appeal Brief.

The Appeal Brief 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.

This application is being referred to Technology Center AU 2856 for appropriate action, if any, on the reply in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christopher L. Johnson
KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple Street
Salt Lake City UT 84145-0120

COPY MAILED

MAR 03 2006

OFFICE OF PETITIONS

In re Application of :
Segota et al :
Application No.10/600,922 : ON PETITION
Filed: June 19, 2003 :
Attorney Docket Number: 11023.4 :
Title of Invention:METHOD AND SYSTEM :
FOR REGULATING FLUID FLOW OVER AN :
AIRFOIL OR A HYDROFOIL

This is a decision on the petition filed January 13, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due which was mailed February 9, 2005. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 10, 2005. A Notice of Abandonment was mailed on October 13, 2005.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LESLIE GLADSTONE RESTAINO
163 MADISON AVENUE
P.O. BOX 1989
MORRISTOWN, NJ 07962-1989

COPY MAILED
JUN 04 2004
OFFICE OF PETITIONS

In re Application of	:	
Wang, et al.	:	
Application No. 10/600,923	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. 5199-101	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 28, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 28, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 29, 2003.

Please note, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,005.00 extension of time submitted with the petition on April 28, 2004 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and has not been charged.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

7-12-04

Patent No. : 7,005,457
Inventor(s) : Loh
Issued : February 28, 2006
Title : MULTI-FUNCTIONAL MICROENCAPSULATED ADDITIVES FOR POLYMERIC COMPOSITIONS
Docket No. : 25060B

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l 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.

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

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or (703) 305-8309

Maria C. Gasaway
Owens Corning
Patent Department, Building 11
270 Columbus Road
Granville, Ohio 43023

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OWENS CORNING
PATENT DEPARTMENT, BUILDING 11
2790 COLUMBUS ROAD
GRANVILLE, OHIO 43023

COPY MAILED

JAN 1 0 2007

OFFICE OF PETITIONS

In re Patent No. 7,005,457 :
Issue Date: February 28, 2006 :
Application No. 10/600,942 :
Filed: June 20, 2003 :
Attorney Docket No. 25060B :

ON PETITION

This is a decision on the petition filed August 21, 2006, under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is granted.

Petitioner should note that on the assignment cover sheet it notes the second assignee as OC Foamular Board Company Limited rather than OC (Nanjing) Foamular Board Company Limited. Petitioner is encouraged to submit a correct cover sheet.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1]See Official Gazette of June 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,947	06/20/2003	Eric Selvin	42P6933D	9474

7590 05/11/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025

EXAMINER
PERKINS, PAMELA E

ART UNIT	PAPER NUMBER
2822	

DATE MAILED: 05/11/2005

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 50905

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025

MAY 1 1 2005

In re Application of:
SELVIN *et al.*
Serial No.: 10/600,947
Filed: June 20, 2003
Attorney Docket No.: **42P6933D**

SUA SPONTE
DECISION WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file a response to the final Office action mailed on October 19, 2004. A Notice of Abandonment was mailed on May 04, 2005.

A review of the written record indicates that the correspondence address associated with the application file was inexplicably changed on June 07, 2004. The result of this change was that the final Office action mailed October 19, 2004, was sent to an incorrect correspondence address. Accordingly, it cannot be presumed that the final Office action reached practitioner at the correspondence address of record. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status. The correspondence address has been changed back to the correct address.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the final Office action. The shortened statutory period for response set therein will be reset to run from the date the final Office action is re-mailed. Extensions of time are available under 37 CFR § 1.136.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 31, 2005

TO SPE OF : ART UNIT 3727

SUBJECT : Request for Certificate of Correction on Patent No.: 6,920,998

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

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

Magdalene Talley

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9309 ext. 116

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

3727
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL MN 55133-3427

COPY MAILED

DEC 27 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Mark D. Gehlsen et al	:
Application No. 10/600,983	:
Filed: June 20, 2003	:
Attorney Docket No. 58163US002	:

This is a decision on the petition, filed December 17, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 19, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 1713 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARMEN PATTI GROUP , LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

COPY MAILED

MAY 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Carlson et al.	:	
Application No. 10/600,984	:	ON PETITION
Filed: June 20, 2003	:	
Attorney Docket No. NGC-140/000047-199	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 6, 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 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 1796 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/600,994	06/19/2003	3625	664	47361.2.1	13	39	4

CONFIRMATION NO. 5796

CORRECTED FILING RECEIPT

OC000000011421676

22859
INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
4000 PILLSBURY CENTER
200 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

Date Mailed: 12/04/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Damon Larson, Residence Not Provided;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/15/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Home shopping system

Preliminary Class

705

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

COPY MAILED

JAN 10 2006

OFFICE OF PETITIONS

In re Application of
Douglas Werner
Application No. 10/601,021
Filed: June 19, 2003
Attorney Docket Number: HIT1P020A/SJO9-2001-0068U

: DECISION GRANTING PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed May 5, 2005 and resubmitted June 27, 2005, which is treated under 37 CFR 1.181.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to a non-Final Office Action mailed August 26, 2004. This application became abandoned on November 27, 2004. Accordingly, the Notice of Abandonment was mailed June 15, 2005.

The file record discloses that the non-Final Office Action was mailed to the address of record. However, petitioner contends that it was not received. The file record discloses that the non-Final Office Action was mailed August 26, 2004 to the address of record. However, petitioner contends that it was not received. In support of this contention, petitioner argues that a search of the file jacket and the docket records does not reveal that the office communication was received and further, includes copies from the docketing system, wherein receipt of the non-Final Office Action would have been entered, had it been received, accompanies the petition.

Additionally, a review of the USPTO files reveal that the office communication was returned to the USPTO by the United States Postal Service on August 26, 2004 and no apparent reason can be determined since it appears that the address of record was placed on the correspondence.

In view of the facts set forth in the petition, it is concluded that the non-Final Office Action was never received. Accordingly, the holding of abandonment is withdrawn. Since no petition fee is due, a refund in the amount of $130.00 will be credited to deposit account 50-2587 for the fee paid with the petition filed May 5, 2005.

This matter is being referred to Technology Center 3729 for a re-mailing of the non-Final Office Action, previously mailed August 26, 2004 but not received.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

COPY MAILED

MAY 1 4 2004

OFFICE OF PETITIONS

In re Application of :
Jeffrey Fergusson :
Application No. 10/601,024 :
Filed: March 8, 2004 :
Attorney Docket No. 114663-006 :

DECISION ON PETITION

This is a decision on the "PETITION TO ASSIGN JUNE 20, 2003 AS THE FILING DATE," filed March 8, 2004. This petition is properly treated as a petition under 1.53(e)(2), requesting that the Office accord the above-identified application a filing date of June 20, 2003, rather then the presently accorded filing date of March 8, 2004.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. See 37 CFR 1.181(f). This time period is not extendable under § 1.136(a).

Petitioner maintains that the above-identified application was deposited in the Express Mail Post Office to Addressee service of the United States Postal Service on June 20, 2003, pursuant to 37 CFR § 1.10, and thus, is entitled to June 20, 2003 as a filing date. In support thereof, petitioner submitted a copy of the Express Mail mailing label used to transmit the application; an executed Certificate of Mailing; and affidavits of persons involved in the preparation of this application, Robert Barrett, Robert Buccieri, Karen Barrett and Renee Street.

A review of the application file confirms that this application was received in the Office by way of Express Mail as alleged, and has been accorded a date of receipt of June 20, 2003. However, on December 5, 2003, the Office mailed a "Notice of Incomplete Nonprovisional Application," informing applicant that the application had not been accorded a filing date because the application was deposited without a specification and drawings.

35 USC 111(a)(4) provides that:

> the filing date of a nonprovisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

Petitioner is advised that a filing date of June 20, 2003 for the instant application is sought by way of petition under

§ 1.53(e)(2), not §1.10[1]. The specific issue is not whether petitioner has shown that the correspondence was deposited with the USPS on June 20, 2003, but rather whether petitioner has shown that the correspondence filed on that date included a specification and drawings and thus, is entitled to a filing date.

Petitioner's Certificate of Mailing is not persuasive as to the contents of the Express Mail envelope. The filing date of a paper filed in the United States Patent and Trademark Office (USPTO) is established by statute, 35 U.S.C. 111, and rule, 37 CFR 1.10, as either: (1) the date of actual receipt of the paper in the USPTO; or (2) the date of deposit in Express Mail service with the U.S. Postal Service (USPS). The date of deposit in the Express Mail service is shown by the date-in on the Express Mail mailing label. There is no question that the date of deposit is June 20, 2003. The Certificate of Mailing does not overcome the other evidence of record that a specification and drawings were not among the papers deposited on June 20, 2003.

The PTO file is the official record of the papers originally filed in this application. A review of the image file wrapper for this application reveals that the application papers received in the Office by way of deposit in Express Mail on June 20, 2003 included a five page transmittal and a three page declaration for patent. No specification or drawings were among the papers received. Since no specification and drawings are present in the file, it is concluded that no specification and drawings were filed. This conclusion is reaffirmed by the fact that the official file shows that the application transmittal letter received contains a notation made by a PTO employee that the PTO did not receive the specification and drawings identified on the application transmittal letter. This fact indicates that the specification and drawings were not misplaced in the PTO, since the PTO employee who opened the Express Mail envelope recognized

---

[1] The specific rule for obtaining a filing date as of the date of deposit in "Express Mail" (rather than the date of receipt at the Office) is 37 C.F.R. §1.10, as revised, effective December 2, 1996. 37 C.F.R. §1.10(e) applies where correspondence deposited with the USPS as "Express Mail" is not received by the Office. However, § 1.10(e) applies only in those situations in which the correspondence at issue was lost *in toto* (i.e., the entire correspondence was not delivered to the Office). Where there is a dispute as to the contents of the correspondence submitted to the Office (e.g., an applicant asserts that three sets of drawings were submitted under 37 C.F.R. 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application), an applicant may not rely upon the provisions of 37 C.F.R. § 1.10(e) to establish what document(s) and/or fee(s) were filed in the Office with such correspondence. Rather, where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. See MPEP 513, Rev. 1, Aug. 2001.

that the specification and drawings intended to be filed were missing.

An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The affidavits of Robert Barrett, Robert Buccieri, Karen Barrett and Renee Street relied on contain the affiants description of the procedures for filing applications with the Office and the recall of those routine events in this application, which occurred 9 months ago. These statements are not more persuasive than the record of what was filed as shown by the official file.

The best evidence of what was filed on June 20, 2003, is applicant's postcard. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. Petitioner states that their procedure includes submitting a return postcard with the application papers; however, no postcard receipt has been submitted in support of this petition.

The application is presently entitled to a filing date of March 8, 2004, the date of receipt of a specification including at least one claim and drawings.

The application with a filing date of March 8, 2004, is being processed.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

COPY MAILED

NOV 23 2005

OFFICE OF PETITIONS

In re Application of	:	
David J. Hammond et al	:	
Application No. 10/601,032	:	DECISION ON PETITION
Filed: June 20, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 222363	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(d), filed October 13, 2005, which is being treated under 37 CFR 1.102(c)(2)(iii), to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. § 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the clamed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The instant petition fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism by contributing to screening mixture active entities. The claimed invention fails to indicate countering terrorism. Moreover, "identifying" and "detecting" do not equate to "countering." Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

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

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

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

By FAX: (571) 273-8300

The $130.00 petition fee submitted is unnecessary. Petitioner may request a refund of this fee by writing to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

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

This matter is being referred to Technology Center AU 1639 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 2 1 2006

OFFICE OF PETITIONS

In re Application of	:	
David J. Hammond et al	:	
Application No. 10/601,032	:	DECISION ON PETITION
Filed: April 14, 2003	:	TO WITHDRAW
Attorney Docket No. 222363	:	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 3, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Stephen A. Bent on behalf of all attorneys of record who are associated with Customer No. 22428.

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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: David J. Hammond
4916 Ripplemead Ct.
Laytonsville, MD 20882

cc: Merchant & Gould, P.C.
Suite 850
901 Fifteenth St., N.W.
Washington, D.C. 20005

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
10/601,032	06/20/2003	David J. Hammond	222363

CONFIRMATION NO. 5177

OC000000019943636

OC000000019943636

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 08/08/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/03/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

IRVIN DINGLE
OP (571) 272-3210

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

COPY MAILED

FEB 07 2006

OFFICE OF PETITIONS

In re Application of :
John P Hunter, Jr. :
Application No. 10/601,046 :
Filed: June 21, 2003 :
Attorney Docket No. HUNTER-SEAMLESS-CON :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed April 18, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 19, 2005.

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

This matter is being referred to Patent Publication.

Karen Creasy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER
150 EAST GILMAN STREET
P O BOX 1497
MADISON, WI 53701-1497

COPY MAILED
AUG 1 0 2004
OFFICE OF PETITIONS

In re Application of	:	
Lixiang Wei et al	:	
Application No. 10/601,061	:	NOTICE
Filed: June 20, 2003	:	
Attorney Docket No. 032026	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned Staff at (703) 305-8680.

This matter is being referred to the Office of Initial Patent Examination Division.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: 7/18/05

Paper Number _____

In re application of:	Rosenberg	:	DECISION ON
Serial No.	09/601,062	:	PETITION
Filed:	October 19, 2000	:	
For:	HIGH EFFICIENCY RECOVERY PROCESS AND APPARATUS FOR THE PYROLYSIS TREATMENT AND HALOGENATION OF MULTI-ELEMENT WASTE	:	

This is a response to the PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR § 1.181 filed by facsimile transmission on April 7, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed June 17, 2003, be withdrawn since the applicant did not receive the office action mailed September 4, 2002.

DECISION

Since the petitioner asserts that the applicant did not receive the office action mailed September 4, 2002, the request is accepted as a petition under 37 C.F.R. § 1.181 (no fee) and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.02 - NEW PROCEDURE TMOG 1170 O.G. 114).

37 CFR 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 CFR 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. See MPEP 711.03(c).

Therefore, the petition (under 37 CFR 1.181) to withdraw the holding of abandonment filed May 3, 2004 is dismissed as untimely since it was filed more than 10 months after the mailing date of the notice of abandonment.

The holding of abandonment for failure to timely file a proper response to the Office letter mailed on September 4, 2002 is hereby maintained.

The Petition is **DISMISSED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

ANDERSON, KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1182

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 19 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Carl-Magnus Andersson, et al.
Application No. 10/601,070
Filed: June 20, 2003
Attorney Docket No.: ACADIA.020A

This is a decision on the petition, filed January 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 13, 2005, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated October 11, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1625 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
JUN 0 9 2006
OFFICE OF PETITIONS

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

In re Application of
Carl-Magnus Andersson, et al.
Application No. 10/601,070
Filed: June 20, 2003
Attorney Docket No. ACADIA.020A

ON PETITION

This is a decision in response to the petition under 37 CFR 1.313, filed May 24, 2006, requesting that the above-identified application be withdrawn from issue.

The petition is DISMISSED AS MOOT.

A review of the record discloses that a Notice of Allowance and Issue Fee Due was mailed on March 29, 2006. On June 7, 2006, a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed. Since the RCE was filed within the period set for paying the issue fee, a petition to withdraw the application from issue under 37 CFR 1.313 is not necessary.

The application is being referred to Technology Center AU 1625 for processing the RCE filed June 7, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/28/07

TO SPE OF : ART UNIT 1600

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/601070** Patent No.: **7253186**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

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

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

Comments: It does not introduce new matter & furthermore, does not change the scope or meaning of claim 1. These compounds are present on page 98 of original specification

C. S. Awlakh
CHARANJIT S. AWLAKH
PRIMARY EXAMINER

SPE

1625
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

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

Mail Date: 04/21/2010

Applicant	: Kyeong Jin Kim	: DECISION ON REQUEST FOR
Patent Number	: 7639760	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/601,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **941** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

COPY MAILED

APR 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Girard, et al.	:	
Application No. 10/601,072	:	ON PETITION
Filed: June 19, 2003	:	
Attorney Docket No. BIOBANK.009CP1	:	

This is a decision on the petition filed March 14, 2005, to suspend the rules under 37 CFR 1.183.

The petition is **dismissed**.

Petitioner states, "Submitted herewith is a Supplemental Information Disclosure Statement including Form PTO-1449, which lists 7 references. Among the references listed on Form P10-1449 is PCT Publication Number WO 01/57190, which contains a Sequence Listing that is greater than 5,000 pages in length. It is Applicants' understanding that the USPTO has in its electronic database a copy of the Sequence Listing portion of PCT Publication Number WO 01/57190. Accordingly, Applicants respectfully request that the requirement for submitting a paper copy of the Sequence Listing be waived for the instant patent application."

Petitioner has not stated the specific provision or section of Title 37 of the Code of Federal Regulation which petitioner is requesting to have suspended. Furthermore, petitioner has not presented any extraordinary situation or why justice requires the suspension of the rules in the instant situation.

Accordingly, the petition is dismissed.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

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

Telephone inquiries should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Girard, et al. :
Application No. 10/601,072 :
Filed: June 19, 2003 :
Attorney Docket No. BIOBANK.009CP1 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.1.183, filed July 6, 2005, which is being treated as a petition to waive the requirements of 37 CFR 1.98.

Petitioners seek waiver of the requirement to submit a complete copy of the reference cited in the IDS filed March 14, 2005; PCT Publication Number WO 01/57190. Petitioner asserts that the document contains a sequence listing greater than some 5000 pages, and further, as petitioner believes that the USPTO has a copy of the listing in its electronic database, it would constitute an undue burden on both petitioners and the USPTO to process the complete paper file.

Based on inspection of the WIPO database, WO 01/57190 corresponds to PCT/US01/04098, the sequence listing of which has been entered in the USPTO electronic database.

As such, the petition is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

04/12/04

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/601095 received on 01/20/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King
Signature of Reviewer, Office of Pre-Grant Publication

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
APR 05 2006
OFFICE OF PETITIONS

In re Application of	:	
Donald F. May et al	:	
Application No. 10/601,101	:	DECISION GRANTING PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 49480-050	:	

This is a decision on the petition, filed March 31, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\601101.wpd

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Gary Appel
18301 Irvine Boulevard
Tustin CA 92780

COPY MAILED

FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Homayoun Sanatgar et al. :
Application No. 10/601,110 :
Filed: June 23, 2003 :
Attorney Docket No.: 012903 :
Title: METAL TUBE SUPPORT :
BRACKET AND METHOD FOR :
SUPPORTING A METAL TUBE :

DECISION ON PETITION
UNDER 37 C.F.R. § 1.137(B)

This is a decision on the petition filed November 21, 2007, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application.

This petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 1, 2004, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R.

---

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

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

§ 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 2, 2005. A notice of abandonment was mailed on April 20, 2005.

Petitioner has included the petition fee, the proper statement of unintentional delay, and an amendment. With the present petition, Petitioner has met requirements (1) and (2) of Rule § 1.137(b). The fourth requirement is not applicable.

Regarding the third requirement, Petitioner has not established that the entire period of delay was unintentional. It is noted that the present petition was not filed until more than two years and seven months had passed since the mailing of the notice of abandonment. It is not clear why the Applicant chose to take no course of action for such a long period of time. It does not appear that any action was taken to further the prosecution of this application, subsequent to the mailing of the notice of April 20, 2005, for more than two years and seven months.

It is equally unclear what, after all of this time, prompted the Applicant to advance the prosecution of this application.

As such, it appears that the Applicant <u>intentionally</u> allowed this application to go abandoned. The extended inaction of the Applicant appears to be intentional.

A discussion follows.

In order for a petition under 37 C.F.R. § 1.137(b) to be granted, the holder of the rights to the application must have unintentionally allowed the application to go abandoned, and a delay resulting from a deliberately chosen course of action on the part of the applicant is not an "unintentional" delay within the meaning of 37 C.F.R. § 1.137(b).

<u>The periods of delay</u>:

There are three periods to be considered during the evaluation of a petition under 37 C.F.R. § 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;
(2) the delay in filing an initial petition pursuant to 37 C.F.R. § 1.137(b) to revive the application; and
(3) the delay in filing a grantable petition pursuant to 37 C.F.R. § 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) or (2).

As to **Period (1)**, the patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Commissioner to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 C.F.R. § 1.137(b)(3) provides that a petition under 37 C.F.R. § 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay of more than two years and seven months in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 C.F.R. § 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional.

Petitioner has included a declaration of facts from the first-named inventor, who has set forth that he "was responsible for interfacing with prior counsel of record in this application[2]," and that he only recently learned of the abandonment of this application.

It is not clear why the non-final Office action of October 1, 2004 was not responded to. It is noted that a statement has been provided from the first-named inventor, however it does not appear that a statement from any of the other inventors, the assignee, the attorney of record, or the attorney who submitted this petition has been submitted.

Any renewed petition must clearly identify the party having the right to reply to avoid abandonment. That party, in turn must explain what effort(s) was made to reply to the outstanding Office action and further, why no reply was filed. If no effort was made to reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Petitioner should explain why the non-final Office action of October 1, 2004 was not responded to in a timely manner. Statements from the inventors, the assignee, the attorney of record, and the attorney who submitted this petition must be provided.

As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996)(unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to **Period (2)**, where the applicant deliberately chose not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 C.F.R. § 1.137(b)[3].

---

2 Declaration of Homayoun Sanatgar, paragraph 3.
3 See MPEP § 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.137(b) are clear and unambiguous, and furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 C.F.R. § 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated clear that any protracted delay (here, two years and seven months) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23.

This application was abandoned for 2 years and seven months prior to the filing of this petition. It is not clear why the inventors, the assignee, and the attorney of record took no action during this time. It is noted that a statement has been provided from the first-named inventor, however it does not appear that a statement from any of the other inventors, the assignee, or the attorney of record has been submitted.

It must be explained why this application was allowed to remain abandoned for such an extended period of time. Statements from the inventors, the assignee, the attorney of record, and the attorney who submitted this petition must be provided.

Moreover, it must be revealed what, after all of this time, prompted the Applicant to advance the prosecution of this application.

Punctuality and Due Diligence:

For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894).

Similarly, an invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R.§§1.181, 182, 183.

The lengthy period of inaction does not appear to be consistent with the requirements of punctuality, due diligence, good faith, and the encouragement of reasonable promptness.

On renewed petition, Petitioner will need to address each of these issues, and include statements from both the Applicant and former counsel, if it is to be established that the entire period of delay was unintentional.

Petitioner is reminded that any statement of facts should be made by one having firsthand knowledge of the facts set forth therein.

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

Thereafter, there will be no further reconsideration of this matter[4, 5].

---

4 For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82;

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[9].

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

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[10]. All other inquiries

---

281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R.§§1.181, 182, 183.

5 If, on request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. §1.137(e), will **not** apply to that decision.

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300- please note this is a central facsimile number.

9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: David A. Randall
555 South Flower Street, 50th Floor
Los Angeles, CA 90071

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

Gary Appel
18301 Irvine Boulevard
Tustin CA 92780

In re Application of	:	
Homayoun Sanatgar et al.	:	
Application No. 10/601,110	:	DECISION ON RENEWED PETITION
Filed: June 23, 2003	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket No.: 012903	:	
Title: METAL TUBE SUPPORT	:	
BRACKET AND METHOD FOR	:	
SUPPORTING A METAL TUBE	:	

This is a decision on the renewed petition filed July 18, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 1, 2004, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 2, 2005. A notice of abandonment was mailed on April 20, 2005.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on November 21, 2007, and was dismissed via the mailing of a decision on February 19, 2008.

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

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

Along with the original petition pursuant to 37 C.F.R. § 1.137(b), Petitioner submitted the petition fee, the proper statement of unintentional delay, and an amendment.

The decision on the original petition pursuant to 37 C.F.R. § 1.137(b) indicated that the first two requirements of Rule 1.137(b) had been met, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included a statement of facts that establishes that the entire period of delay was unintentional, and as such, the third requirement of Rule 1.137(b) has been satisfied.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 18, 2008 can be processed.

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

---

1 See Rule 1.137(d).

As was indicated in the decision on the original petition, the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

cc: Lawrence R. LaPorte
Jones Day
555 South Flower Street, 50th Floor
Los Angeles, CA 90071

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 04 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

In re application of
Peter T. Robertson, et al.
Application No. 10/601,118
Filed: June 23, 2003
For: RISK CLASSIFICATION METHODOLOGY

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on June 23, 2003, to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02, VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02, VIII have been met, the petition is **GRANTED**.

In satisfaction of item (B) above, the petitioner states, "If the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse and hereby invites the Examiner to contact the undersigned Applicants' representative for a telephonic election."

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

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

KJD/rwg: 10/30/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS SUITE 1400
LOS ANGELES CA 90067

COPY MAILED
OCT 24 2006
OFFICE OF PETITIONS

In re Application of
Makoto Kudo
Application No. 10/601,136
Filed: June 20, 2003
Attorney Docket No. 81751.0062

DECISION ON PETITION

This is decision on the petition filed August 14, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

On December 14, 2005, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application became abandoned on March 15, 2006. On August 4, 2006, the Office mailed a Notice of Abandonment.

In the present petition, petitioner asserted that he filed a timely response to the nonfinal Office action on March 10, 2006. In support of the assertion, petitioner submitted a copy of the reply in the form of an amendment, bearing a certificate of mailing dated March 10, 2006. Nevertheless, the record does not show that the USPTO received the amendment. Therefore, petitioner is relying on the certificate of mailing as evidence of the timely filing of the amendment on March 10, 2006.

Pursuant to Section 711.03(c)(I)(B) of the Manual of Patent Examining Procedure:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. **If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).**

(Emphasis added).

Petitioner did not provide a statement under 37 CFR 1.8(b)(3), attesting to a personal knowledge of the mailing of the original response on the date indicated on the certificate **by the person who signed the certificate.**

Accordingly, the petition to withdraw the holding of abandonment is **dismissed**. Before the Office can withdraw the holding of abandonment, petitioner must submit a request for reconsideration and a statement in compliance with 37 CFR 1.8(b)(3). A request for reconsideration of this decision must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS SUITE 1400
LOS ANGELES CA 90067

COPY MAILED

DEC 28 2006

OFFICE OF PETITIONS

In re Application of
Makoto Kudo
Application No. 10/601,136
Filed: June 20, 2003
Attorney Docket No. 81751.0062

DECISION ON PETITION

This is decision on the renewed petition filed December 8, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment.

On December 14, 2005, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application became abandoned on March 15, 2006. On August 4, 2006, the Office mailed a Notice of Abandonment.

Petitioner asserted that he filed a timely response to the nonfinal Office action on March 10, 2006. In support of the assertion, a copy of the reply in the form of an amendment, bearing a certificate of mailing dated March 10, 2006, accompanied the original petition of August 14, 2006. Nevertheless, the record does not show that the USPTO received the amendment. Therefore, petitioner was relying on the certificate of mailing as evidence of the timely filing of the amendment on March 10, 2006.

Pursuant to Section 711.03(c)(I)(B) of the Manual of Patent Examining Procedure:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).

With this renewed petition, petitioner submitted an adequate statement under 37 CFR 1.8(b)(3), attesting to a personal knowledge of the mailing of the original response on the date indicated on the certificate by the person who signed the certificate.

The present petition satisfies the requirements of 37 CFR 1.8(b). The renewed petition to withdraw the holding of abandonment is **granted**. Accordingly, the holding of abandonment for failure to file a timely reply to the nonfinal Office action of December 14, 2005, is withdrawn and the application is restored to pending status. The Office will accept the copy of the reply submitted with the original petition on August 14, 2006, in place of the reply mailed on March 10, 2006.

This application is being referred to Technology Center AU 2181 for appropriate action on the amendment submitted on August 14, 2006 (certificate of mailing dated March 10, 2006).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 15 2004
~~NOV 11 2003~~

VP
PAPER NO. 01/15/04

In re Application of	:	
Alfred H. Stegens	:	
Serial Number: 10/601,160	:	PETITION UNDER
Filed: June 20, 2003	:	M.P.E.P.708.02 IV
For: VACUUM CLEANER BRUSHROLL	:	

This is in response to the petition filed August 25, 2003, requesting that the above-identified application be granted Special Status under Section 708.02 IV of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IV of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Pearne & Gordan LLP
Ohio Savings Plaza
1801 East 9th Street
Cleveland, OH 44114

CASE#: 10/601,160
Filed: 6/20/03

OIPE - AUGUST 25, 2003

Attorney's Docket No. CLEW.35631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	ALFRED H. STEGENS.	Art Unit:	NOT YET ASSIGNED
Application No.:	NOT YET ASSIGNED	Examiner:	NOT YET ASSIGNED
Filing Date:	CONCURRENTLY HEREWITH		
Title:	VACUUM CLEANER BRUSHROLL		

PETITION TO MAKE SPECIAL

The Assistant Commissioner for Patents
BOX PATENT APPLICATION
PO BOX 1450
Alexandria, VA 22313-1450

Applicant's attorney respectfully petitions to make special on the ground that the first named inventor, Alfred H. Stegens, is over 65 years of age. A declaration of Alfred H. Stegens verifying his age is attached. According to §708.02 of the MPEP, we have met the requirements for special status based on age and no petition fee is required. If we are in error, please charge any fee due to our deposit account number 16.0820.

Respectfully submitted,

Lowell L. Heinke

Lowell L. Heinke, Reg. No. 19,471
Pearne & Gordon LLP
Ohio Savings Plaza
1801 East 9th Street
Cleveland, OH 44114

(216) 579-1700 - telephone
(216) 579-6073 - facsimile

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. 6860063
Issue Date: March 1,2005
Application No. 10601166
Filed: June 20,2003
Attorney Docket No. 8403.888

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 6,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 6,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6860063	2005-03-01	10601166	2003-06-20	8403.888

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
◉	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/kathrynlhester/	Date (YYYY-MM-DD)	2009-03-05
Name	Kathryn L. Hester, Ph.D.	Registration Number	46768

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAY S. CINNAMON, ESQ.
ABELMAN, FRAYNE & SCHWAB
150 EAST 42ND STREET
NEW YORK NY 10017

COPY MAILED

OCT 0 8 2003

OFFICE OF PETITIONS

In re Application of OLIN-NUÑEZ et al. Application No. 10/601,167 Filed: June 20, 2003 Attorney Docket No. 206,160	DECISION GRANTING PETITION

This is a decision on the petition filed September 5, 2003, requesting that the above-identified application be accorded a filing date of June 20, 2003.

On June 20, 2003, applicants filed the above-identified application. However, on August 28, 2003, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Application," requiring, inter alia, drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on June 20, 2003, describes drawings containing Figures 1-12; however, it appears the United States Patent and Trademark Office (Office) did not receive any drawings on filing.

In response, applicants filed, inter alia, the present petition, and authorized payment of the petition fee. Applicants assert that the present application contains at least one process or method claim, and thus, is an application for which a drawing is not necessary for an understanding of the invention under the provisions of 35 U.S.C. 113.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the "Notice of Incomplete Application" mailed August 28, 2003, was sent in error and is hereby withdrawn. The application will be accorded a filing date of June 20, 2003. Accordingly, the petition is granted.

No petition fee is necessary. **The application will be granted a filing date of June 20, 2003, with "0" sheets of drawings.**

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

JUN 03 2004

OFFICE OF PETITIONS

In re Application of Kenneth Gainey, James Proctor, John Regnier, Jonathan Hughes, Stefan Haenggi and Michael Lynch Application No. 10/601,180 Filed: June 20, 2003 Attorney Docket No. 2479.2176-001 Title: REPEATER FOR EXTENDING RANGE OF TIME DIVISION DUPLEX COMMUNICATION SYSTEM	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47(a) AND TRANSMITTAL OF DECLARATION," filed April 5, 2004 (certificate of mailing April 1, 2004).

The petition is **GRANTED**.

The above-identified application was filed on June 20, 2003, without an executed oath or declaration and missing the statutory basic filing fee. Accordingly, on September 2, 2003, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, the filing fee and a surcharge for its late filing. In addition, the Notice required submission of replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is to avoid abandonment.

In response, rule 47 applicants filed the instant petition (and fee); the filing fee; the late surcharge; and a declaration executed by joint inventors Regnier, Haenggi and Lynch on behalf of themselves and on behalf of non-signing joint inventors Gainey, Proctor and Hughes. This response was made timely by an accompanying petition and fee for extension for response within the fifth month. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventors Gainey, Proctor and Hughes refuse to join in the application for patent.

On petition, patent attorney David Thibodeau, Jr. states that the application papers were presented to all of the inventors; however, by their conduct, in not returning executed declarations, inventors Gainey, Proctor and Hughes have refused to join in the application. The petition includes a statement of the last known address of each of the three non-signing inventors.

The declaration filed April 5, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Receipt of the formal drawings filed April 5, 2004 is acknowledged.

Receipt of a second declaration filed May 3, 2004 and executed by inventor Lynch is also acknowledged.

The application will be examined in Technology Center 2681 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. KENNETH GAINEY
441 THRUSH DRIVE
SATELLITE BEACH, FL 32937

COPY MAILED
JUN 03 2004
OFFICE OF PETITIONS

In re Application of :
Kenneth Gainey, James Proctor, :
John Regnier, Jonathan Hughes, : LETTER
Stefan Haenggi and Michael Lynch :
Application No. 10/601,180 :
Filed: June 20, 2003 :
Attorney Docket No. 2479.2176-001 :
Title: REPEATER FOR EXTENDING RANGE:
OF TIME DIVISION DUPLEX :
COMMUNICATION SYSTEM :

Dear Mr. Gainey:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. James A. Proctor, Jr.
258 Sea View Street
Melbourne Beach, FL 32951

COPY MAILED
JUN 03 2004
OFFICE OF PETITIONS

In re Application of :
Kenneth Gainey, James Proctor, :
John Regnier, Jonathan Hughes, : LETTER
Stefan Haenggi and Michael Lynch :
Application No. 10/601,180 :
Filed: June 20, 2003 :
Attorney Docket No. 2479.2176-001 :
Title: REPEATER FOR EXTENDING RANGE:
OF TIME DIVISION DUPLEX :
COMMUNICATION SYSTEM :

Dear Mr. Proctor:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Jonathan L. Hughes
4070 Careywood Drive
Melbourne, FL 32934

COPY MAILED

JUN 03 2004

OFFICE OF PETITIONS

In re Application of :
Kenneth Gainey, James Proctor, :
John Regnier, Jonathan Hughes, : LETTER
Stefan Haenggi and Michael Lynch :
Application No. 10/601,180 :
Filed: June 20, 2003 :
Attorney Docket No. 2479.2176-001 :
Title: REPEATER FOR EXTENDING RANGE:
OF TIME DIVISION DUPLEX :
COMMUNICATION SYSTEM :

Dear Mr. Hughes:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

SPE Horabik

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/601,189

Paper No.: _____

DATE : 2/2/06

TO SPE OF : ART UNIT 2635

SUBJECT : Request for Certificate of Correction on Patent No.: 6980123

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

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

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

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

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

Comments:

Errors were not the ~~[illegible]~~ applicant's fault.

SPE

2612
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 12, 2010

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 10601192 Patent No.: 6913310

Please respond to this request for a certificate of correction with in 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 – 9D40-C
Palm Location 7580

Certificates of Correction Branch

703-756-1573

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 3612 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS

March 11, 2005

William T. Ellis
FOLEY AND LARDNER
Suite 500
3000 K Street NW
Washington, DC 20007

In re Application of:
Tanichi Ando et al
Serial No.: 10/601,198 On Petition
Filing Date: June 23, 2003
For: **DEVICE FOR DETECTING THE THEFT/THEFT OF A VEHICLE AND METHOD OF DETECTING THE THEFT**

In response to the petition received April 8, 2004, to withdraw the holding of abandonment in the above application.

The petition is Granted.

The above-identified application became abandoned for failure to reply with the meaning of 37 C.D.R 1.113 in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed August 8, 2003. Which set forth a shortened statutory period for reply of two months. Accordingly, the above-identified application became abandoned October 9, 2003.

The evidence submitted is sufficient to establish that the petitioners never received the Notice to File Missing Parts of Nonprovisional Application mailed August 8, 2003.

Enclosed is a new Notice to File Missing Parts of Nonprovisional Application Papers giving counsel 2 months from the date of the notice to respond.

The application was abandoned in error. The office regrets any inconvenience this may have caused the client.

Telephone inquiries concerning this application may be directed to Doshie E. Day (703) 308-3640.

Doshie E. Day
Program Management Assistant
Office of Initial Patent Examination

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Kenji Tsukada	:	
Application No. 10/601,200	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No: Q76217	:	

This is a decision on the petition filed May 25, 2004, under 37 CFR 1.137(b)[1] to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned on October 14, 2003 for failure to file a timely response to the Notice to File Missing Parts mailed August 13, 2003, which set a two (2) month statutory period for reply. This decision precedes the mailing of the Notice of Abandonment.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph ©) of this section.

This petition lacks item (1) above.

Petitioner has not provided the required reply. Petitioner must provide a response to the Notice to File Missing Parts. Although petitioner asserts that the Notice to File Missing Parts mailed August 13, 2003, was never received, a review of the record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[2] 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).

What is usually required is a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

The application will not be revived unless and until a proper response to the Notice to File Missing Parts is provided or evidence is presented for withdrawing the holding of abandonment, that would indicate that the Notice was not received.

---

[2]M.P.E.P. § 711.03©); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

As the required showing has not been presented, the petition must be dismissed.

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

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

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497. Please be advised that the telephone number for the Office of Petitions will be changed to (571) 272-3282 effective September 28, 2004.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

OCT 2 5 2004

OFFICE OF PETITIONS

In re Application of
Kenji Tsukada
Application No. 10/601,200
Filed: June 23, 2003
Attorney Docket Number: Q76217

ON PETITION

This is a decision on the renewed petition filed September 10, 2004, under 373 CFR 1.137(b) which is treated as a Petition to Withdraw Holding of Abandonment, under 37 CFR 1.181.

The petition is **GRANTED**.

The application became abandoned on October 15, 2003, for failure to file a timely response to the Notice to File Missing Parts mailed August 14, 2003, which set a two (2) month statutory period for reply. Prior to the mailing of a Notice of Abandonment, a Petition to Revive under 37 CFR 1.137(b) was filed May 25, 2004 and dismissed in a decision mailed August 18, 2004.

Petitioner renews the assertion that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed August 14, 2003 to the address of record. However, petitioner contends that it was not received. In support of this contention, a statement made by Attorney Kelly G. Hyndman, explaining the docketing procedure, including pages from the docketing system, wherein receipt of the Notice to File Missing Parts would have been entered, had it been received, accompanies the petition. The statement and attachments corroborate non-receipt of the Notice to File Missing Parts.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, the holding of abandonment is withdrawn. Since no petition fee is due, a refund in the amount of $1330.00 will be credited to deposit account 19-4880 for the fee paid with the petition filed May 25, 2004.

Receipt of the response to the Notice to File Missing Parts mailed August 14, 2003, in

the form of filing fees, surcharge for late submission, a properly executed Declaration and Power of Attorney and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged as having been received September 10, 2004.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER CO 80301

COPY MAILED

FEB 19 2004

OFFICE OF PETITIONS

In re Application of
Vock, et al.
Application No. 10/601,208
Filed: June 20, 2003
Attorney Docket No. 409512
For: PRODUCT INTEGRITY SYSTEMS AND ASSOCIATED METHODS

DECISION ON PETITION

This is a decision on the petition filed December 10, 2003 requesting that Figures 58 and 59 be accorded a filing date of June 20, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on June 20, 2003. On November 5, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 58 and 59, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 58 and 59 be accorded a filing date of July 20, 2003 on the basis that 45 sheets of formal drawing figures, including Figures 58 and 59, were received in the Patent and Trademark Office (PTO) on June 20, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 20, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 45 sheets of drawings depicting Figures 1-73.

The return postcard constitutes *prima facie* evidence that 45 sheets of drawing figures were filed on June 20, 2003. MPEP 503. A review of the application file reveals that there are 44 sheets of drawing figures present. The missing sheet of drawings is 37/45, which corresponds to that which would have contained Figures 58 and 59.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, deposit account no. 12-0600 will be credited the $130.00 petition fee.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 20, 2003**, using the copy of Figures 58 and 59 submitted with the instant petition. Office records will be corrected to show that 45 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WELSH & KATZ, LTD.
120 S RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO, IL 60606

COPY MAILED

DEC 15 2004

OFFICE OF PETITIONS

In re Application of :
Bruce N. Alleshouse :
Application No. 10/601,213 : DECISION GRANTING PETITION
Filed: June 20, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 87631CIP :

This is a decision on the petition, filed December 14, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 2, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2876 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

COPY MAILED

APR 11 2008

OFFICE OF PETITIONS

In re Application of :
Joseph M. Jeddeloh et al :
Application No. 10/601,222 : ON PETITION
Filed: June 20, 2003 :
Attorney Docket No. 501176.01

This is a decision on the petition, filed April 10, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 11, 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 2116 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Patent Documentation Center
Xerox Corporation
Xerox Square 20th Floor
100 Clinton Ave. S.
Rochester NY 14644

COPY MAILED

JAN 07 2004

OFFICE OF PETITIONS

In re Application of
William C. Emerson, Andrew T. Martin, Ruediger W. Knodt, Thomas J. Perry, Karen Totten, Joseph E. Miska, Keith S. Watson, Gary M. Davis, John F. Whiting, and Kelly J. Breuer
Application No. 10/601,223
Filed: June 20, 2003
Attorney Docket No. D/A0623
Title: AUTOMATIC TAB DISPLAYING AND MAXIMUM TAB STORING USER INTERFACE AND A REPROGRAPHIC MACHINE HAVING SAME

DECISION ON PETITION
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 CFR §1.47(b)[1], filed August 28, 2003.

The above-identified application was filed on May 22, 2003, without an executed oath or declaration and identifying William C. Emerson, Andrew T. Martin, Ruediger W. Knodt, Thomas J. Perry, Karen Totten, Joseph E. Miska, Keith S. Watson, Gary M. Davis, John F. Whiting, and Kelly J. Breuer as the joint inventors. On August 14, 2003, applicant was mailed a

1 A grantable petition under 37 CFR §1.47(b) requires:
(1) The petition fee;
(2) a surcharge if the petition was not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

"Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted", requiring an executed oath or declaration in compliance with 37 CFR §1.63[2] and a surcharge for the late filing of the oath or declaration. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee), and the surcharge associated with the late filing of an oath or declaration.[3] Accompanying the petition was a statement from the petitioner[4], copies of e-mails and searches conducted by the petitioner, and a copy of a letter sent to the non-signing inventor. Petitioner states that the inventor's employment agreement was included with the petition, but this document has not been located in the electronic file.

Petitioner has met requirements (1) – (3) and (6) – (7) above.

Regarding the fourth requirement above, Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *As petitioner has set forth that the non-signing joint inventor cannot be found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* Petitioner has submitted print-outs from two online searches: one from Yahoo, and one from US Search. Petitioner's efforts have been deemed to be insufficient for the four reasons below.

First, regarding the Yahoo search, the search was narrowly tailored to two specific addresses. It is plausible that since being terminated, the non-signing inventor has moved to seek employment elsewhere, possibly out of state or even out of the country, and as such, the search was too narrow to constitute a diligent search.

Secondly, regarding the US Search results, it does not appear that petitioner completed the search. Petitioner has included a copy of the initial step of the search, which yielded three (3) Kelly J. Breuers in Geneva, Minneapolis, and Denver. Only after payment is submitted, however, will US Search reveal the addresses and contact information for these "search hits." It would appear that petitioner never completed the next step (submitting payment), and as such, no useful information was obtained. As such, petitioner's efforts to locate the non-signing inventor cannot be considered to have been diligent.

Third, petitioner sets forth "*our* phone calls to the best phone information have gone to answering machines with no call-backs[5]." This statement indicates that at least two phone call were made to at least two different phone numbers. Petitioner does not indicate which locations were telephoned. Perhaps the petitioner attempted to reach the non-signing joint inventor at the two phone numbers produced from the Yahoo search? If so, this cannot constitute a diligent effort, as the partial results from the US Search indicated to the petitioner that there were no fewer than three (3) other phone numbers which needed to be contacted.

---

2 Joint inventor Breuer did not execute the declaration.

3 Both the petition fee and the surcharge have been charged to petitioner's Deposit Account, as authorized in the petition.

4 The statement on the first page of the petition sets forth that the co-inventor "could be reached after diligent effort." The undersigned will assume that the omission of the word "not" subsequent to "could" is a typographical error.

5 Petitioner's declaration, paragraph 12.

Finally, the use of the word "our" indicates that the telephone calls were not made by the petitioner. This is not acceptable, as 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.

Regarding the fifth requirement above, the copy of the employment agreement petitioner referenced in the eleventh paragraph of his declaration has not been located in the electronic file. As such, Rule 47(b) applicant has failed to prove sufficient proprietary interest in the subject matter to justify the filing of the application[6]. The declaration sets forth that the non-signing inventor used to be employed by the purported assignee. Furthermore, the assignment document has been reviewed in the PTO's Patent Application Location and Monitoring System (PALM), and the non-signing inventor's name does not appear. Based on the evidence submitted to this point, it does not appear that Xerox has any proprietary interest in joint-inventor's Brueher contribution to the invention.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The reply to this letter may be submitted by mail[7], hand-delivery[8], or facsimile[9].

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

6 See MPEP §409.03(f).
7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202
9 (703) 872-9306.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 7,2007

TO SPE OF : ART UNIT 2800(2153)

SUBJECT : Request for Certificate of Correction for Appl. No./10/601235patent no.7251699

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

KRISNA LIM
PRIMARY EXAMINER

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
SPE

2453
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARD W. BULCHIS
DORSEY & WHITNEY
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

COPY MAILED

AUG 29 2005

OFFICE OF PETITIONS

In re Application of :
Terry R. Lee et al :
Application No. 10/601,252 :
Filed: June 20, 2003 :
Attorney Docket No. 501193.01 :

ON PETITION

This is a decision on the petition filed August 26, 2005, which is being treated under 37 CFR 1.313 (c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 5, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2186 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

NOV 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Edward A. Hill et al	:	
Application No. 10/601,264	:	DECISION GRANTING PETITION
Filed: June 20, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 100110242-1	:	

This is a decision on the petition treated under 37 CFR 1.313(a), filed November 6, 2007, to withdraw this application from issue.

The petition is dismissed for the reasons stated below. .

Petitioner requests withdrawal of this application from issue because the Office did not consider an Information Disclosure Statement filed on August 9, 2007.

A review of the file record discloses that an Information Disclosure Statement was in fact filed on August 9, 2007, which does not appear to have been considered by the Examiner.

Withdrawal of this application from issue is unnecessary at this time since the Information Disclosure Statement may be considered without withdrawing the application from issue. Therefore, this application is being referred to Technology Center AU 2624 for consideration by the Examiner of the Information Disclosure Statement filed on August 9, 2007. If necessary, the Director of Technology Center AU 2600 has been delegated the authority to withdraw this application from issue.

Inquires concerning this decision may be directed to the undersigned at 571-272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: George E. Barringer JR.	: DECISION ON REQUEST FOR
Patent Number	: 7601545	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/601,277	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/20/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1681** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Paper No.

COPY MAILED

APR 28 2004

OFFICE OF PETITIONS

CROWELL & MORING LLP
PO BOX 14300
WASHINGTON, DC 20044-4300

In re Application of:
BANGLE et al.
Application No. 10/601,306
Filed: June 23, 2003
Title of Invention: FLAT SECTION OF THE OUTER SKIN OF THE BODYWORK OF A MOTOR VEHICLE

DECISION DISMISSING PETITION UNDER 37 CFR 1.47(a)

This is in response to the Petition Under 37 CFR 1.47(a), to allow the other inventors to proceed with the application on behalf of himself or herself and the nonsigning inventor. The one (1) month extension of time request is hereby granted.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 23, 2003, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 19, 2003, requiring *inter alia*, a properly signed oath or declaration.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that the nonsigning inventor, Anders Warming, cannot be reached to join in the application. In support of this assertion, a Statement of Ralf Frieser is filed wherein Mr. Frieser avers that the declaration and Power of Attorney and Assignment papers were sent to inventor Warming on June 25, 2003 and August 25, 2003 respectively. Mr. Frieser

further avers that he learned that inventor Warming had moved his home, and Mr. Frieser then became aware of inventor Warming's e-mail address, wherein Mr. Friesing made numerous attempts to contact inventor Warming at the email address, to no avail.

Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1), (2) and (4) set forth above.

As to item (1), if an inventor is unavailable (cannot be reached), while it is not required that the application be mailed[1], Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. 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 to locate the inventor. (Emphasis supplied). See, MPEP § 409.03(d). At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

[1] It is noted that initially, Applicant mailed only the Declaration and Power of Attorney and Assignment papers to inventor Warming for signature. Applicant is advised that 37 CFR 1.47(a) provides for two situations that allow inventors to proceed with the application on their own behalf and on behalf of a nonsigning inventor: one, as here, where an inventor cannot be found or reached after diligent effort, the other where an inventor refuses to join in an application after having been presented with the application. Applicant is advised that, where it is alleged that an inventor refuses to join in an application, before refusal can be alleged, the entire application must be sent to the nonsigning inventor. "A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers." See MPEP 409.03

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2201 South Clark Place
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

CROWELL & MORING LLP
PO BOX 14300
WASHINGTON, DC 20044-4300

COPY MAILED
AUG 25 2004
OFFICE OF PETITIONS

In re Application of:	:	
BANGLE et al.	:	
Application No. 10/601,306	:	DECISION GRANTING
Filed: June 23, 2003	:	STATUS UNDER
Title of Invention: FLAT SECTION	:	37 CFR 1.47(a)
OF THE OUTER SKIN OF THE BODYWORK	:	
OF A MOTOR VEHICLE	:	

This is in response to the Petition and Submission of Declaration, filed April 9, 2004, which is properly treated as a petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Anders Warming, cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. ANDERS WARMING
3939 LATIGO CANYON ROAD
MALIBU, CA 91320

COPY MAILED
AUG 25 2004
OFFICE OF PETITIONS

In re Application of:	:	
BANGLE et al.	:	
Application No. 10/601,306	:	LETTER
Filed: June 23, 2003	:	
Title of Invention: FLAT SECTION	:	
OF THE OUTER SKIN OF THE BODYWORK	:	
OF A MOTOR VEHICLE	:	

Dear Mr. Warming:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), 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 (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: CROWELL & MORING LLP
PO BOX 14300
WASHINGTON, DC 20044-4300

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

LAW OFFICES OF RONALD M. ANDERSON
Suite 507
600 - 108th Avenue N.E.
Bellevue WA 98004

COPY MAILED

AUG 1 2 2005

OFFICE OF PETITIONS

In re Application of
Patrick T. Call et al.
Application No. 10/601,315
Filed: June 20, 2003
Attorney Docket Number: MESO0057
Title: OPTIMIZING ROTARY IMPACT COLLECTORS

DECISION ON PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition under 37 CFR §1.137(b)[1], filed July 14, 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed March 18, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees or publication fees[2]. Accordingly, the above-identified application became abandoned on June 19, 2005.

With the petition, Petitioner has submitted the petition, publication, and issue fees, as well as the proper statement of unintentional delay. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b).

As such, the petition is **GRANTED**.

---

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

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

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PFIZER INC
Steve T. Zelson
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Auffret, et al.	:	DECISION ON APPLICATION
Application No. 10/601,355	:	FOR PATENT TERM ADJUSTMENT
Filed: June 23, 2003	:	
Atty. Dkt. No.: PC22039A	:	

This is a decision on the "Petition to Adjust Patent Term Adjustment (PTA) Indicated in Notice of Allowance," filed September 20, 2007. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

Applicant requests that the Determination of Patent Term Adjustment be corrected from zero days, as indicated on the Determination of Patent Term Adjustment mailed June 20, 2007, to an adjustment of 116 days. Applicant argues that a response to the final Office action re-mailed April 12, 2007 was timely submitted June 5, 2007.

The correct PTA at the time of the allowance is 116 days, as argued by applicants.

Applicants do not contest the adjustment of 116 days under 37 CFR 1.702(a)(1).

Applicants contest the 217 day reduction under 37 CFR 1.704(b) in connection with the response to the final Office action submitted June 5, 2007.

A review of the record reveals that while a final Office action was mailed July 31, 2006, the final Office action was re-mailed on April 12, 2007. The newly mailed final Office action set a new period of time for reply, making a reply due on or before July 12, 2007. Applicants timely responded to the final Office action on June 5, 2007. Accordingly, the reduction of 217 days has been restored.

In review thereof, at the time of allowance, the application is entitled to an adjustment of 116 days, as argued by applicants.

The required PTA application fee of $200.00 has been charged to applicant's deposit account as authorized.

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 application file is being forwarded to the Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Thursday
Date: 12/27/2007

PALM INTRANET

Time: 13:23:20

PTA Calculations for Application: 10/601355			
Application Filing Date:	06/23/2003	PTO Delay (PTO):	116
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	217
Post-Issue Petitions:	0	Total PTA (days):	116
PTO Delay Adjustment:	217		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	12/27/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	217		
54	06/20/2007	MAIL NOTICE OF ALLOWANCE			
53	06/18/2007	ISSUE REVISION COMPLETED			
52	06/18/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	06/18/2007	CASE DOCKETED TO EXAMINER IN GAU			
50	06/18/2007	DOCUMENT VERIFICATION			
49	06/18/2007	NOTICE OF ALLOWABILITY			
48	06/13/2007	PARALEGAL TD ACCEPTED			
47	06/05/2007	TERMINAL DISCLAIMER FEE PAID			
46	06/05/2007	TERMINAL DISCLAIMER FILED		0	44
45	06/11/2007	DATE FORWARDED TO EXAMINER			
44	06/05/2007	AMENDMENT AFTER FINAL REJECTION		217	40
43	04/12/2007	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
42	04/10/2007	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
41	02/01/2007	MISCELLANEOUS INCOMING LETTER			
40	07/31/2006	MAIL FINAL REJECTION (PTOL - 326)			
39	07/24/2006	FINAL REJECTION			
38	06/13/2006	DATE FORWARDED TO EXAMINER			
37	06/12/2006	RESPONSE AFTER NON-FINAL ACTION			
36	03/13/2006	MAIL NON-FINAL REJECTION			
35	03/09/2006	NON-FINAL REJECTION			
34	02/08/2006	DATE FORWARDED TO EXAMINER			
33	01/20/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
		REQUEST FOR EXTENSION OF TIME - GRANTED			

32	01/20/2006				
31	11/23/2005	MAIL RESTRICTION REQUIREMENT			
30	11/22/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
29	11/03/2005	CASE DOCKETED TO EXAMINER IN GAU			
28	09/13/2005	DATE FORWARDED TO EXAMINER			
27	09/02/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
26	09/13/2005	DATE FORWARDED TO EXAMINER			
25	09/02/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
24	09/13/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	09/02/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
22	08/31/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	06/02/2005	MAIL FINAL REJECTION (PTOL - 326)			
20	05/31/2005	FINAL REJECTION			
19	03/24/2005	DATE FORWARDED TO EXAMINER			
18	03/11/2005	RESPONSE AFTER NON-FINAL ACTION			
17	12/17/2004	MAIL NON-FINAL REJECTION	116		-1
16	12/10/2004	NON-FINAL REJECTION			
15	01/16/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	01/16/2004	CASE DOCKETED TO EXAMINER IN GAU			
13.7	09/02/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	09/02/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/02/2003	APPLICATION RETURN FROM OIPE			
11	09/02/2003	APPLICATION RETURN TO OIPE			
10	09/02/2003	APPLICATION RETURN FROM OIPE			
9	09/03/2003	APPLICATION IS NOW COMPLETE			
8	09/02/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			
7	09/02/2003	APPLICATION RETURN TO OIPE			
6	08/28/2003	APPLICATION DISPATCHED FROM OIPE			
5	08/29/2003	APPLICATION IS NOW COMPLETE			
4	08/12/2003	CASE CLASSIFIED BY OIPE			
3	08/12/2003	CLEARED BY OIPE CSR			
2	07/15/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/23/2003	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Anthony Auffret et al.
Ser. No.	:	10/601,355
Filing Date	:	June 23, 2003
For	:	PROCESS FOR CONTROLLING THE HYDRATE MIX OF A COMPOUND
Examiner	:	Chung, Susannah Lee
Art Unit	:	1626
Atty. Docket	:	PC22039A

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

Petition to Adjust Patent Term Adjustment (PTA)

Indicated in Notice of Allowance

Sir:

1. This is a request for reconsideration of the patent term adjustment (PTA) of 0 days indicated in the Determination of Patent Term Adjustment Under 35 USC § 154(b) that was attached to the Notice of Allowance mailed on June 19, 2007. It is respectfully requested that a PTA of 116 days be afforded to the present application.

2. The issue fee has not yet been paid.

3. Applicants submit below in Section II a Statement of Facts as required by 37 C.F.R. § 1.705(b)(2). In summary, Applicants disagree with the Office of Petitions that there was a delay associated with Applicants' Response after Final Rejection filed on June 5, 2007. According to the PTO's calculation, 217 days of patent term was deducted between October 31, 2006, three months after the mailing date of the Final Office Action (July 31, 2006), and June 5, 2007, the

filing date of the Amendment after Final Rejection. The PTO calculation obtained from the PAIR website is attached as Exhibit A. But the period for the July 31, 2006 Final Office Action was restarted on April 12, 2007. Specifically, on April 12, 2007 a Final Office Action was issued to replace the Office Action issued July 31, 2006. Thus, the period between July 31, 2006 and June 5, 2007 should not be deducted from the patent term. Further, Applicants filed a response (June 5, 2007) to the Final Office Action (April 12, 2007) within three months of the mailing date, hence, no patent term should be deducted between April 12, 2007 and June 5, 2007 (37 CFR1.704(b)). Accordingly, the 217 days of patent term debit calculated by the Office of Petitions and associated with Applicants' response dated June 5, 2007 should be zero..

4. The fee set forth in § 1.18(e) ($200), as required by 37 C.F.R. § 1.705(b)(1), is paid as follows: Please charge deposit account 16-1445 in the amount of $200.

I. Background

A. Summary of relevant Prosecution History

1. A Notice of Allowance was mailed on June 6, 2007, for the present application. One of the attachments to the Notice of Allowance was a Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b) that indicated that the total PTA to date was 0 days.

2. A Final Rejection mailed July 24, 2006 was undelivered by the U.S. mail, and was returned to sender (see last page of "Mail returned to USPTO as undelivered" dated August 8, 2006 in PAIR).

3. On February 2, 2007 Applicants submitted "Proof of Non-Receipt of the Office Action and Request to Reset the Clock."

4. On April 12, 2007 an Office Action was issued to replace the Office Action issued July 31, 2006 (in essence, withdrawing the July 31, 2006 Office Action) and to restart the clock for the period of response by Applicants.

5. Applicants responded to the April 12, 2007 Office Action on June 5, 2007, within the 3 month period of reply under rule 1.704(b).

II. Statement of Facts Required by 37 C.F.R. § 1.705(b)(2)(i), (ii), (iii) and (iv)

A. 37 C.F.R. § 1.705(b)(2)(i) - Correct PTA and the Basis or Bases under § 1.702 for the Adjustment

1. The correct total PTA credit is 116 days.
2. The basis for the entire PTA credit of 116 days is under rule 1.702(a)(1) and is due to the delay of the PTO's response (i.e., December 10, 2004) to Applicants' filing date of June 23, 2003.

B. 37 C.F.R. § 1.705(b)(2)(ii) - Relevant Dates as Specified in §§ 1.703(a) - (e) for Which an Adjustment is Sought and the Adjustment as Specified in § 1.703(f) to Which the Patent Is Entitled

1. The only relevant dates as specified in rule 1.703(a)(1) for the total PTA credit is Applicants' filing date of June 23, 2003 and the PTO's first response dated December 10, 2004. This results is a patent term credit of 116 days. However, the Office of Petitions incorrectly applied a patent term debit relating to Applicants' Response dated June 5, 2007. However, since this Response was in response to the April 12, 2007 Office Action, under rule 1.704(2), there should be no patent term debit.
2. The total PTA under § 1.703(f) is 116 days, which is the total PTA credit for PTO delay of 116 days less the total PTA debit for applicant delay of 0 days.

C. 37 C.F.R. § 1.705(b)(2)(iii) - Is Patent Subject To a Terminal Disclaimer

1. The patent granted on this application is subject to a terminal disclaimer. (Attached as Exhibit B). There is no expiration date indicated on the terminal disclaimer.

D. 37 C.F.R. § 1.705(b)(2)(iv) - Circumstances During the Prosecution of This Application Constituting a Failure to Engage in Reasonable Efforts to Conclude Processing or Examination

1. There are no circumstances during prosecution by Applicant that constitute a failure to engage in reasonable efforts to conclude processing or examination.

III. Conclusion

A. Applicants submit that the Determination of PTA of 0 days that was attached to the Notice of Allowance mailed on June 6, 2007 is incorrect.

B. Applicants submit that any delay associated with Applicants' Response dated June 5, 2007, should be calculated based on the Office Action mailed April 12, 2007 and pursuant to rule 1.704(b) and that a PTA of 116 days should be afforded to the present application. The PTA of 116 days results from a total PTA credit of 116 days less PTA debits of 0 days.

Respectfully submitted,

Date: September 20, 2007

/Jason G. Tebbutt/
Jason G. Tebbutt
Attorney of Record
Reg. No. 55,671

Pfizer Inc
Patent Department

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3/17/08

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/601366 Patent No: 6900997 B2

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

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

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

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

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

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

Aullah 5/19/'08
AKM ULLAH
SUPERVISORY PATENT EXAMINER

_____ SPE

2838 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

APR 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Asghar et al.	:	
Application No. 10/601,384	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. TI-36150	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 10, 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 2133 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Ziad Asghar	: DECISION ON REQUEST FOR
Patent Number	: 7600179	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/601,384	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1644** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

William L. Botjer
PO Box 478
Center Moriches, NY 11934

COPY MAILED
JUL 27 2006
OFFICE OF PETITIONS

In re Application of	:	
Chaudhari et al.	:	
Application No. 10/601,397	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket Number:	:	
JUL-002	:	

This is a decision on the Petition to Revive an Abandoned Application Under 37 CFR 1.378(c), filed February 28, 2006. The petition is properly treated under 37 CFR 1.137(b). The delay in treating this petition is regretted.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed July 13, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on October 14, 2005. A Notice of Abandonment was mailed February 2, 2006.

With the instant petition Applicant has submitted the issue fee.

This application is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

APR 0 5 2005

OFFICE OF PETITIONS

THE CAVANAGH LAW FIRM
VIAD CORPORATE CENTER
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX AZ 85004

In re Application of	:	
Zoran Krivokapic	:	
Application No. 10/601,401	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. H1938	:	

This is a decision on the petition, filed March 31, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 21, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2812 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin NJ 08830

COPY MAILED

MAR 05 2007

OFFICE OF PETITIONS

In re Application of	:	
KAHN et al	:	
Application No.: 10/601,413	:	DECISION ON PETITION
Filing Date: June 23, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 2003P04569US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 3, 2006, 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 November 15, 2005, which set a shortened statutory period for reply of three (3) months. An extension of time of three months under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, by operation of law, the above-identified application became abandoned on May 15, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment to the claims; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action mailed November 15, 2005 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 3768 for appropriate action, if any, on the reply in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

COPY MAILED

JUN 27 2007

OFFICE OF PETITIONS

In re Application of	:	
AGRAWAL, et al.	:	
Application No. 10/601,416	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. **172033.01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 12, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 13, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

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 2168 for processing of the amendment filed October 20, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090813

DATE : August 13, 2009

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction on Patent No.: 7038697

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

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

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

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

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

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

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

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

Comments:

The change that does not apply is "In column 19, line 11, in Claim 35, delete "is" and insert --t--, therefor." This change should instead be "In column 19, line 11, in Claim 35, after "where" insert --t--."

/KEE M TUNG/
Supervisory Patent Examiner.Art Unit 2628

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 07, 2008

TO SPE OF : ART UNIT 3652

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/601437 Patent No.: 7334978 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

SAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER

SPE

3652
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWSON & HOWSON LLP / WYETH LLC
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON PA 19034

MAILED

FEB 23 2010

OFFICE OF PETITIONS

In re Patent No. 7,488,734	: DECISION ON REQUEST FOR
FENSOME et al.	: RECONSIDERATION OF
Issue Date: February 10, 2009	: PATENT TERM ADJUSTMENT
Application No. 10/601,438	: AND
Filed: June 23, 2003	: NOTICE OF INTENT TO ISSUE
Docket No. AHPWA24AUSA	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 3, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred sixty-four (1,164) 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 one thousand one hundred sixty-four (1,164) days is **GRANTED**.

The Office acknowledges the 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 **one thousand one hundred sixty-four (1,164) 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 : 7,488,734 B2

DATED : Feb. 10, 2009 **DRAFT**

INVENTOR(S) : Fensome 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 639 days

Delete the phrase "by 639 days" and insert – by 1,164 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IP Department of Piper Rudnick LLP
3400 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103

COPY MAILED

NOV 0 4 2003

OFFICE OF PETITIONS

In re Application of Yazawa et al. Application No. 10/601,453 Filed: June 23, 2003 Attorney Docket No. 1116-03	DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53, filed September 12, 2003, requesting that the above-identified application be accorded a filing date of June 23, 2003, with page 68 of the specification as part of the original disclosure.

On June 23, 2003, applicants filed the above-identified application. On September 3, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of June 23, 2003, and advising applicants that page 68 of the specification appeared to have been omitted.

In response, on September 12, 2003, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of Specification (62 pages), including claims (6 pages) and Abstract (1 page). Additionally, applicants submitted a copy of page 68 of the specification with the present petition.

Upon review of the record, page 68, deposited on June 23, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 23, 2003, included page 68 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 68 of the specification, was complete on filing and will be granted a filing date of June 23, 2003.

Accordingly, the petition is granted. The Notice of Omitted Item(s) in a Nonprovisional Application was sent in error and is hereby vacated. The $130.00 petition fee will be refunded to Deposit Account No. 50-2719, as requested.

The application will be processed with a filing date of June 23, 2003, using page 68 of the specification submitted on petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAR 3 0 2009

OFFICE OF PETITIONS

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

In re Application of :
Meir : DECISION ON PETITION
Application No. 10/601,455 :
Filed: June 23, 2003 :
For: COD5001 :

This is a decision on the petition to expunge under 37 CFR 1.59(b), filed February 5, 2009.

The petition under 37 CFR 1.59(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from 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 1.59(b)." This is not a final agency decision.

Petitioner requests that the Office expunge the documents submitted on January 12, 2009, which includes a Notice of Appeal. Petitioner states that the Notice of Appeal was submitted unintentionally.

In view thereof, petitioners request that the Notice of Appeal dated January 12, 2009 be expunged from the application file.

In accordance with 37 CFR 1.59(b), "[a]n applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided."

In accordance with MPEP 724.05, "[a] petition to expunge information unintentionally submitted in an application (other

than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included."

The instant petition fails to satisfy items (B).

As to item (B), petitioner has failed to establish the failure to expunge the Notice of Appeal will cause irreparable harm. It is noted that this was a second Notice of Appeal, as the first Notice was filed on December 11, 2008. Nonetheless, the goal of the Office is to maintain as complete a file as possible.

Accordingly, expungement of the documents filed January 22, 2009 is not deemed appropriate.

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

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

By facsimile: (571) 273-8300

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

Telephone inquiries concerning this matter may 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
www.uspto.gov

COPY MAILED

JUN 23 2008

JOHN NIELSON
RANDICK O'DEA & TOOLIATOS, LLP
5000 HOPYARD ROAD, SUITE 400
PLEASANTON, CA 94588

In re Application of	:	
MILLER, Ronald B.	:	
Application No. 10/601,464	:	DECISION ON PETITION
Filed: June 23, 2003	:	TO WITHDRAW
Attorney Docket No. **M0977.001**	:	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 February 22, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John Nielson on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Ronald B. Miller at the address indicated below.

The application became abandoned for failure to timely respond to the notice of informal or non-responsive amendment mailed October 9, 2007.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **RONALD B. MILLER**
1721 SUNSET AVENUE
NEWARK, CA 94560

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAWROCKI, ROONEY & SIVERTSON
SUITE 401, BROADWAY PLACE EAST
3433 BROADWAY STREET NORTHEAST
MINNEAPOLIS, MN 55413-3009

COPY MAILED

AUG 09 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert D. Foxwell :
Application No. 10/601,469 :
Filed: June 23, 2003 :
Attorney Docket Number: 51449-00401 :

This is a decision on the Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed March 20, 2006, and supplemented July 19, 2006.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed June 29, 2005. The Office action set a three (3) month period for reply. No complete and proper reply having been filed, the application became abandoned September 30, 2005. A Notice of Abandonment was mailed February 29, 2006.

With the instant petition and supplement to petition, Applicant has filed a complete and proper response to the Office action.

The petition is hereby **granted**.

This application is being referred to Technology Center 3617 for processing of the Response in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

NOV 0 6 2003

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	DECISION GRANTING
Application No. 10/601,475	:	PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 5649-921	:	

This is a decision on the petition under 37 CFR 1.10(c), filed October 28, 2003, requesting that the above-identified application be accorded a filing date of June 23, 2003, rather than the presently accorded filing date of June 24, 2003.

Petitioner alleges that the application was deposited in Express Mail service on June 23, 2003. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV353609701US. The "date-in" indicated on the Express Mail label is blank. However, the Express Mail label contains a United States Postal Service (USPS) stamp of June 23, 2003. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No petition fee is necessary.

This application file will be accorded a filing date of June 23, 2003. The mailing of a corrected filing receipt will follow this decision. Additionally, the Office records have been changed to indicate the correct spelling of inventor's Sang-Mun Chon's name as requested in the present petition.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

COPY MAILED

DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Edwin G. Duffin, et. al. :
Application No. 10/601,476 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. P0009797.00 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 14, 2008, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Carol A. Barry appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The application became abandoned for failure to file a proper reply to the final Office action mailed February 21, 2008.

The petition is **dismissed.**

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

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment filed on April 21, 2008 did not *prima facie* place the application in condition for allowance,

the reply required should be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

MAILED

JUL 01 2009

OFFICE OF PETITIONS

In re Application of :
Edwin G. Duffin, et. al. :
Application No. 10/601,476 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. P0009797.00 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on February 19, 2009, to revive the above-identified application.

In response to the Decision mailed on December 2, 2008, petitioner submits the present renewed petition along with an amendment and $130 for a one month extension of time filed on February 19, 2009.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Carol F. Barry appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **DISMISSED**.

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

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

amendment submitted on February 19, 2009, does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). A courtesy copy of the Advisory Action is being mailed with this decision on petition.

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

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Courtesy Copy of the Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/601,476	Applicant(s) DUFFIN ET AL.	
	Examiner MICHAEL KAHELIN	Art Unit 3762	

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

THE REPLY FILED 19 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *26-28*.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-9*.
   Claim(s) withdrawn from consideration: *21-25*.

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/Michael Kahelin/
Examiner, Art Unit 3762

Continuation of 3. NOTE: The amendments to claims 7 and 8 modify the scope of the claim and require further search and consideration as the deflectable members now deflect from a header instead of from the connector bore .

1.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that the physical incorporation of Sluetz (Re. 31,990) and Doan (US 7,031,774) would not result in the claimed invention, but merely a header with a sliding connector plugged into the header that still only allows for polarity reversal, and the substitution would result in four contacts (as in Doan) having to be somehow wired to the two electrodes of Sluetz. Applicant further argued that the Advisory Action of 5/2/2008 improperly recast the rejection present in the Final Rejection of 2/21/2008 by "cherry pick[ing]" aspects of Doan to modify Sluetz in such a way to constitute hindsight reconstruction, and that Doan further teaches away from the combination because Doan's boot is movable relative to the lead body. The Examiner respectfully disagrees. In response to applicant's argument that various features of Doan and Sluetz may not be compatible, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The Examiner maintains that, taken as a whole, an artisan of ordinary skill would have recognized that modifying Sluetz' header with the lead/connector configuration of Doan would render predictable results as both teachings involve selecting distal electrode configuration via axial placement of the proximal connector. Contrary to Applicant's assertion, this teaching of Doan has not been "recast," but was set forth in the Final Office Action of 2/21/2008 for the purpose of allowing stimulation location to be adjusted after final implantation of the lead. Lastly, the Examiner respectfully disagrees that Doan's electrode selection system used in a boot "teaches away" from use in a header. Just because Doan teaches a selection system used in a boot is not a teaching of not using the system in a header. Doan is merely silent on the matter.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUN 1 0 2008

OFFICE OF PETITIONS

BELL, BOYD & LLOYD LLP
P.O. Box 1135
CHICAGO, IL 60690

In re Application of	:	
Richard E. MICHAELSON	:	
Application No. 10/601,482	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 0112300-01349	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 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 March 10, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is March 11, 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. Accordingly, the failure to timely pay the issue and publication fees as required by the Notice of Allowance is 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

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 112300-1349

First named inventor: Richard E. Michaelson

Application No.: 10/601,482 Art Unit: 3714

Filed: June 23, 2003 Examiner: Dat Nguyen

Title: CENTRAL DETERMINATION GAMING SYSTEM WITH A KENO GAME

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee $ 1540.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1740.
☐ has been paid previously on _____.
☒ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

06/09/2008 CKHLOK 00000002 10601482
01 FC:1501 1440.00 DA
02 FC:1504 300.00 DA

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Adam H Masia	April 10, 2008
Signature	Date
Adam H. Masia	35,602
Typed or printed name	Registration Number, if applicable
Bell Boyd & Lloyd LLP	312-807-4284
Address	Telephone Number
P.O. Box 1135	
Chicago, Illinois 60690	
Address	

Enclosures: [X] Fee Payment The Commissioner is authorized to charge any fees which may be required, to Deposit Account No. 02-1818.

☐ Reply

☐ Terminal Disclaimer Form

[X] Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Kevin J. Moriarty
Patent Department
DEERE & COMPANY
One John Deere Place
Moline IL 61265-8098

COPY MAILED

JUL 1 8 2005

OFFICE OF PETITIONS

In re Application of
Chad Allen Dow
Application No. 10/601,511
Filed: June 23, 2003
Attorney Docket No. 16429-US
Title: STRAW CHOPPER BLADE

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed June 27, 2005, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed November 15, 2004, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time were requested. Accordingly, the above-identified application became abandoned on February 16, 2005. A notice of abandonment was mailed May 20, 2005.

With the instant petition, petitioner has filed the petition fee, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee, an amendment, and the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The concurrently submitted amendment shall serve as the required submission.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

As such, the petition is **GRANTED**.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 08-04

PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

COPY MAILED

SEP 2 2 2004

OFFICE OF PETITIONS

In re Application of	:
Choong-Chin Liew	: DECISION ON PETITIONS
Application No. 10/601,518	: UNDER 37 CFR 1.78(a)(3)
Filed: 20 June, 2003	: AND
Atty Docket No. 4231/2055	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition filed on 15 April, 2004, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the amendment filed on 15 April, 2004.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after 29 November, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119 and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;[1]

---

[1]Any nonprovisional application or international application designated the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designated the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS))to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and indicating the

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

A reference to add the prior-filed applications on page one following the first sentence of the specification has been included in an amendment filed on 15 April, 2004. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980) where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re de Seversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to piece new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

Accordingly, before the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and a substitute amendment to correct the above matters is required.

In order to expedite consideration, petitioner may wish to submit the substitute amendment by facsimile to the number indicated below and to the attention of Senior Petitions Attorney Douglas I. Wood.

---

relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

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

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

By FAX: (703)872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

In order to expedite consideration, petitioner may wish to submit the substitute amendment by facsimile to the number indicated below and to the attention of Senior Petitions Attorney Douglas I. Wood.

The application is being forwarded to Technology Center 1600 for examination in due course.

Telephone inquires should be directed to Senior Petitions Attorney Douglas I. Wood at 703-308-6918.

Charles A. Pearson
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 03-05

PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

COPY MAILED

MAR 16 2005

OFFICE OF PETITIONS

In re Application of	:
Choong-Chin Liew	: DECISION ON PETITIONS
Application No. 10/601,518	: UNDER 37 CFR 1.78(a)(3)
Filed: 20 June, 2003	: AND
Atty Docket No. 4231/2055	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on 2 December, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **Granted**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Additionally, the instant nonprovisional application is a continuation of Application No. 09/477,148, filed on 4 January, 2000, which was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/115,125, which was filed on 6 January, 1999, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the above-noted, prior-filed nonprovisional applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should <u>not</u> be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should <u>not</u> 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 instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. 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 1631 for appropriate action on the amendment submitted on 2 December, 2004, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

Frances Hicks

Frances M. Hicks
Lead Paralegal
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Encl: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

APR 08 2005

OFFICE OF PETITIONS

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

In re Application of :
Masaharu Wada :
Application No. 10/601,538 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. 239448US2S

This is a decision on the petition, filed April 7, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 21, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter will be forwarded to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
SEP 29 2006
OFFICE OF PETITIONS

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of	:	
Joachim Damrath et al	:	
Application No. 10/601,544	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. ZTP00P12073	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed October 21, 2005, which set a statutory period for reply of three (3) months.

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

This matter is being referred to Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARKS & CLERK
P.O. BOX 957, STATION B
OTTAWA, ONTARIO CANADA K1P 5S7

COPY MAILED

NOV 15 2005

OFFICE OF PETITIONS

In re Application of :
Shoude Chang et al :
Application No. 10/601,548 :
Filed: June 24, 2003 :
Attorney Docket No. 14755-US

ON PETITION

This is a decision on the petition, filed November 8, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 24, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2877 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 0 2 2006

OFFICE OF PETITIONS

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	
Gary Balakoff, et al.	:	
Application No. 10/601,581	:	DECISION ON PETITION
Filed: June 24, 2003	:	TO WITHDRAW
Attorney Docket No. 44904.000736	:	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 14, 2005.

The request is **NOT 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 request cannot be approved because no statement under 3.73(b) was filed.

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 Cheryl Gibson-Baylor at 571-272- 3213. All other inquiries should be directed to the Technology Center.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Conferee: MA

cc: JOSEPH A TESSARI
TREDEGAR FILM PRODUCTS
1100 BOULDERS PARKWAY
RICHMOND, VA 23225

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN WESEMAN
ASSOCIATE GENERAL COUNSEL, I.P.
CABOT MICROELECTRONICS COPORATION
870 NORTH COMMONS DRIVE
AURORA, IL 60504

COPY MAILED

NOV 0 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Sevilla	:	
Application No. 10/601,601	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 100176	:	

This is a decision on the petition under 37 CFR 1.181, filed April 4, 2005, to withdraw the holding of abandonment.

The petition is **granted.**

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed July 28, 2004, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was deemed abandoned as of August 29, 2004. A Notice of Abandonment was mailed on March 3, 2005.

Petitioner contends a reply was timely filed on August 4, 2004. Petitioner has provided a showing in compliance with 37 CFR 1.8(b) establishing the timely filing of a response.

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

Technology Center Art Unit 3723 will be informed of the instant decision so that the examiner can consider the paper entitled "Response and Election" filed with the instant petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

meb

Mailed: 8-14-06

Paper Number _____

In re application of	:	
Jackson et al.	:	DECISION ON
Serial No. 10/601,602	:	PETITION
Filed: June 23, 2003	:	

For: LOW ENERGY CHLORATE ELECTROLYTIC CELL AND PROCESS

This is a decision on the PETITION UNDER 37 CFR 1.181 FOR ENTRY OF THE AFTER FINAL AMENDMENT and AFFIDAVIT UNDER RULE 1.132, filed July 3, 2006.

On March 15, 2006, a final office action was mailed to Applicants, rejecting all of the pending claims under 35 USC 102, 35 USC 103, or 35 USC 112. Applicants responded to this office action with an amendment after final and 1.132 affidavit, which was filed on June 5, 2006. The examiner refused entry of the amendment and 1.132 affidavit in an advisory action mailed June 14, 2006.

On July 3, 2006, the instant petition under 37 CFR 1.181 was timely filed to request the entry of the after final amendment and 1.132 affidavit of June 5, 2006.

Petitioner's position is that the amendment after final did not raise any new issues as alleged by the examiner in the advisory action and that the 1.132 affidavit is merely evidence to overcome a baseless presumption by the examiner about what one skilled in the art would know about the properties of Nafion permselective membranes.

DECISION

Section 714.13 of the MPEP states:

ENTRY NOT A MATTER OF RIGHT

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.
Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(c) is expected in all amendments after final rejection. Failure to properly reply under 37 CFR 1.113 to the final rejection results in abandonment.

An amendment filed at any time after final rejection, but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or (B) adopt examiner suggestions.

ACTION BY EXAMINER
See also MPEP § 706.07(f).
In the event that the proposed amendment does not place the case in better form for appeal, nor in condition for allowance, applicant should be promptly informed of this fact, whenever possible, within the statutory period. The refusal to enter the proposed amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Ordinarily, the specific deficiencies of the amendment need not be discussed. The reasons for nonentry should be concisely expressed. For example:

(A) The claims, if amended as proposed, would not avoid any of the rejections set forth in the last Office action, and thus the amendment would not place the case in condition for allowance or in better condition for appeal.
(B) The claims, if amended as proposed, would raise the issue of new matter.
(C) **The claims as amended present new issues requiring further consideration or search.**
(D) Since the amendment presents additional claims without canceling any finally rejected claims it is not considered as placing the application in better condition for appeal. *Ex parte Wirt*, 1905 C.D. 247, 117 O.G. 599 (Comm'r Pat. 1905).

Petitioner argues that the proposed amendment to claims 8 and 34 do not change the scope of the claims, in that the added amendments merely place the claims into Jepson form and places the claims into better form for appeal. This argument is not persuasive. Limitations in the preamble of a Jepson claim do effect scope the claim. The proposed amendments to claims 8 and 34 add the following limitations to the claims which were not previously required: an anode and a cathode in said cell, in the absence of a cell separator, are exposed to the same electrolyte, the anode comprises precious metals deposited on a titanium substrate, and the cathode comprises mild steel or titanium. These newly added limitations to the claims were not earlier presented and thus would require further search and consideration if these amendments to the claims were to be entered.

As to the argument that the affidavit under 37 CFR 1.132, filed June 5, 2006, should have also been entered, this argument is persuasive. According to 37 CFR 1.116:

(e) An affidavit or other evidence submitted after a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913 but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title), may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.

The 1.132 affidavit was submitted by the applicant in order to refute the examiner's rejection to the claims under 35 USC 112, 1st paragraph and in response with the examiner's suggestion for evidential data, in the final rejection of March 15, 2006. In the final office action of March 15, 2006, the examiner made the statement inviting data indicating properties of the prior art membranes. It appears that this 1.132 affidavit is in direct response to said invitation by the examiner and thus should have been considered by the examiner.

Accordingly, this petition for entry of the after final amendment and 1.132 affidavit is **GRANTED-IN-PART**.

Specifically, the request for entry of the amendment after final has been denied and the request for entry of the 1.132 affidavit after final has been granted.

Therefore, the application will be forwarded to the examiner for prompt consideration of the 1.132 affidavit.

The statutory period for response continues to run from the July 3, 2006 date of the Notice of Appeal.

Jacqueline M. Stone

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

Andrew E. Pierce
161 McCracken Drive
Seneca, SC 29678

UNITED STATES PATENT AND TRADEMARK OFFICE

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

gm

Mailed: 2-7-07

In re Application of	:	DECISION
Jackson et al.	:	DENYING
Serial No. 10/601,602	:	PETITION
Filed: June 23, 2003	:	
For: Low Energy Chlorate Electrolytic Cell and Process	:	

This is a decision on the December 12, 2006, "Petition to Director under 37 CFR 1.181(a)(3)" requesting that the rejection of claims 8-17 under 35 USC 112 be designated as a new grounds of rejection and that prosecution be reopened for the examiner to more fully respond to applicant's arguments.

The petition is before the Director of Technology Center 1700 for consideration.

The petition is **DENIED** for the reasons below.

DECISION

Applicant filed an Appeal Brief on September 9, 2005. The examiner responded with an Examiner's Answer on November 2, 2006. The instant petition was timely filed on December 12, 2006.

The petition asserts that the rejection of claims 8-17 under 35 USC 112, 1st paragraph (the petition incorrectly refers to the rejection as being made under the 35 USC 112, 2nd paragraph) is a new ground of rejection because the rejection is "newly based upon the examiner reading into independent claim 8 a limitation of dependent claim 9." Specifically the examiner has interpreted "low alkali metal ion transport efficiency" to mean "less than about 60% efficiency." Applicant is apparently referring to the examiner's statement bridging pages 3 and 4 of the brief that one skilled in the art would not know "how to make a permselective membrane with the claimed low alkali metal transport efficiency having less than 60% transport efficiency."

This cannot be considered a *new* ground of rejection because the identical language is found in the final rejection of March 15, 2006. See page 2 of the final rejection.

The petition further asserts that the examiner "failed to address the argument of the Appellants on pages 13-19 of the Appeal Brief." However, the paragraph bridging pages 5 and 6 of the Examiner's Answer provides a reasonably complete, if concise, response to applicant's arguments. There is no requirement that the examiner match applicant's arguments page for page.

For the above reasons, the petition is **DENIED**. The applicant will be forwarded to the Board of Patent Appeals and Interferences for consideration of the appeal.

Jacqueline M. Stone

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

Andrew E. Pierce
161 McCracken Drive
Seneca SC, 29678

OIPE IAP87
JUL 2 3 2007
PATENT & TRADEMARK OFFICE

PTO/SB/83 (01-06)
Approved for use through 12/31/2006, OMB 0651-0036
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/601,602
Filing Date	6/23/03
First Named Inventor	Jackson, J.R.
Art Unit	1742
Examiner Name	Wilkins, III, H.D
Attorney Docket Number	FC-10

Appeal No. 2007-1368

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

10-9-07
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 22432

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

Retirement of Attorney

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: Cantor Colburn,LLP, Ste. 2050
1180 peachtree St., N.E.
Atlanta, GA 30309

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone			Email		
Signature	Andrew Pierce				
Name	Andrew E. Pierce	Registration No.	26017		
Date	July 20, 2007	Telephone No.	864 972 0603		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 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.

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
10/601,602	06/23/2003	John R. Jackson	FC-10

CONFIRMATION NO. 8940

OC000000026212592

Andrew E. Pierce
161 McCracken Drive
Seneca, SC 29678

Date Mailed: 10/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2007.

- 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.

~~Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199~~
TC 1700 571-272-1700 OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

COPY MAILED

NOV 03 2004

OFFICE OF PETITIONS

In re Application of	:	
Phipps, Anthony B.	:	
Application No. 10/601,635	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 84685 DY 3002 GNN	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 20, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed November 4, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 5, 2004. A Notice of Abandonment was mailed on October 14, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is now being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Takashi Omata et al	:	
Application No. 10/601,664	:	DECISION GRANTING PETITION
Filed: June 24, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 500.37389CX1	:	

This is a decision on the petition, filed August 28, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 18, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\aug10\601664.wpd

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL -9 2004

In re Application of	:	
William V. Goodhue	:	
Serial No. 10/601,667	:	DECISION ON PETITION
Filed: June 24, 2003	:	TO MAKE SPECIAL
For: PACKAGING DEVICE FOR	:	
FASTENERS	:	

Applicant's petition, filed June 24, 2003, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Theodore A. Breiner
Breiner & Breiner
P.O. Box 19290
Alexandria, VA 22320-0290

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

MAY 29 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

In re Application of	:	
MITSUHIRO SUGETA	:	DECISION ON REQUEST TO
Application No. 10/601678	:	PARTICIPATE IN PATENT
Filed: June 24, 2003	:	PROSECUTION HIGHWAY
Attorney Docket No. 01272.020594	:	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 May 15, 2007 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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.

John Peng
TC 2600
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

COPY MAILED
SEP 0 2 2004
OFFICE OF PETITIONS

In re Application of:	:	DECISION NOTING
Russell and Winterfeldt	:	ABANDONMENT OF
Application No. 10/601,687	:	APPLICATION AND
Filed: June 23, 2003	:	DISMISSING
Title of Invention: METHOD AND	:	PETITION UNDER
APPARATUS FOR SELF-CONFIGURING	:	37 CFR 1.47(a)
SUPERVISORY CONTROL AND DATA	:	
ACQUISITION (SCADA) SYSTEM FOR	:	
DISTRIBUTED CONTROL	:	

This is in response to the Petition Under 37 CFR 1.47(b), which is properly treated under 37 CFR 1.47(a) to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 23, 2003, without an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 31, 2003, requiring *inter alia*, a properly signed oath or declaration. The Notice set a two month period for reply, and provided for extensions of time under 37 CFR 1.136(a). Applicant failed to file a timely reply to the Notice.

Accordingly, this application is **ABANDONED**.

A petition to revive the application must be filed before any further consideration of this application may be provided.

The petition under 37 CFR 1.47

In the interest of time, the following analysis of Applicant's petition is provided:

In response to the Notice, Applicant files the instant petition wherein Applicant avers that copies of the Declaration and Assignment were sent to the nonsigning inventor on three different occasions, without a response from the nonsigning inventor. The petition further avers that the nonsigning inventor stated, to "a human resources representative of the BOC Group, Inc." that he was not interested in signing any paperwork." *Petition* at p.2.

Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), where it is alleged that an applicant refuses to join an application, the applicant must establish that the nonsigning inventor was presented with the application for signature. The Manual of Patent Examining Procedure ("MPEP") states that

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the

> nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

MPEP 409.03(d).

As to item (1), applicant failed to show or provide proof that the inventor refused to sign the declaration. Before an inventor can refuse to sign an oath or declaration, he must have been *presented with a copy of the application papers (specification, claims and drawings)*. *See* MPEP 409.03(d).

It is also noted that Applicant asserts that the nonsigning inventor has made an express oral refusal to join in the application. As an alternative to presenting the nonsigning inventor with the application where the inventor has made an express oral refusal to join in the application, the MPEP provides that

> 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.

MPEP 409.03(d).

Accordingly, Applicant must either present a copy of the application papers to the inventors before a refusal to join in the application may be alleged, or provide specific facts, by a person with firsthand knowledge, of the time and place of the refusal.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2201 South Clark Place
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

COPY MAILED

DEC 06 2004

OFFICE OF PETITIONS

In re Application of:
Russell and Winterfeldt
Application No. 10/601,687
Filed: June 23, 2003
Title of Invention: METHOD AND APPARATUS FOR SELF-CONFIGURING SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR DISTRIBUTED CONTROL

CORRECTED DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the Request for Reconsideration of Petition Under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor, and on the petition under 37 CFR 1.137(b), to revive the application.

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

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

The above-identified application was filed on June 23, 2003, without an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 31, 2003, requiring *inter alia*, a properly signed oath or declaration. The Notice set a two month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Aplicant filed a petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor, on July 9, 2004. In a decision mailed September 2, 2004, Applicant was advised that the application was abandoned for failing to timely and properly to the Notice, mailed December 31, 2003. In the interest of time, the rule 47 petition was evaluated and dismissed for failing to provide applicant with a copy of the application. With the instant petition Applicant correctly points out that a copy of the application was sent to the nonsigning inventor as evidenced by a copy of the cover letter filed with the July 9, 2004 petition. Applicant requests a refund of the petition fee for reconsideration of this petition.

Applicant is advised that no fee is due for reconsideration of a dismissed petition. Any fees paid for reconsideration of the petition will be refunded.

A further review of the file reveals that the July 9, 2004 petition was timely filed, and the application was NOT abandoned. The Notice was mailed December 31, 2003. Applicant was given two (2) months to respond to the Notice, and extensions of time were available. Accordingly, and since the reply period for the Notice is not set by statute, five (5) months of extensions of time were available. Applicant was given until July 31, 2004 to timely respond to the Notice. A review of the application file further reveals that Applicant paid the five (5) month extension of time fee on July 9, 2004, upon filing the July 9, 2004 petition.

Accordingly, the petition fee for the petition to revive the application is unnecessary and the petition is hereby dismissed as moot. A refund of the fees for the petition to revive[1] and for the Request for Reconsideration of Petition Under 37 CFR 1.47, have been refunded to deposit account 02-2865 as authorized in the instant petition and on the transmittal form filed with the instant application on June 23, 2003.

Petitioner has shown that the non-signing inventor, Charles Winterfeldt, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is an Image File Wrapper ("IFW"), as such, no forwarding of the file is necessary. An electronic message will be sent to the Office of Initial Patent Examination that rule 47 status has been accorded the application, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Attorney Advisor
Office of Petitions

---

[1] The fee for a petition to revive an unintentionally abandoned application is currently $1370.00.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. CHARLES WINTERFELDT
10195 BELL AVENUE
PLATO, MN 55370

COPY MAILED
DEC 06 2004
OFFICE OF PETITIONS

In re Application of:
Russell and Winterfeldt
Application No. 10/601,687
Filed: June 23, 2003
Title of Invention: METHOD AND APPARATUS FOR SELF-CONFIGURING SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR DISTRIBUTED CONTROL

LETTER

Dear Mr. Winterfeldt:

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) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL, NJ 07974

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark A. Watson
Lyon & Harr
Suite 800
300 Esplanade Drive
Oxnard CA 93030

COPY MAILED
SEP 25 2008

In re Application of	:	
Sidharth JAGGI et al.	:	
Application No. 10/601,691	:	DECISION ON PETITION
Filed: March 23, 2003	:	
Attorney Docket No. MCS-021-03 (302967.01)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 3, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $ 810, and the submission required by 37 CFR 1.114; (2) the petition fee of $ 1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to Technology Center AU 2155 for appropriate action by the Examiner in the normal course of business on the reply received July 24, 2008.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

COPY MAILED

JAN 18 2008

OFFICE OF PETITIONS

In re Application of :
Hahn :
Application No. 10/601,702 :
Filed: June 24, 2003 :
Attorney Docket No. 033171-47 :
For: ADHESIVE TAPE AND PROCESS FOR PRODUCING AND FOR ATTACHING A SEALING ELEMENT TO AN APPLICATION SITE

ON PETITION

This is a decision on the petition, filed November 1, 2007 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the January 30, 2007 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on May 1, 2007.

Applicant has submitted an amendment in reply to the January 30, 2007 non-final Office action, a proper statement of the unintentional nature of the delay in responding to the January 30, 2007 non-final Office action, and the $1,5400.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center 1700 for consideration of the amendment filed on November 1, 2007.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

COPY MAILED

AUG 24 2007

Director's Office
Office of Patent Publication

In re Application of:
DEPETRILLO, ALBERT R. :
Application No. 10/601,711 :
Filed: June 20, 2003 :
Attorney's Docket No. **RONA.002US0** :

The Notice of Rescinded Abandonment mailed August 21, 2007, rescinding the Notice of Abandonment mailed October 27, 2005 is **VACATED.**

The Petition Under 37 C.F.R. §1.181(a) To Withdraw Holding Of Abandonment, received in the USPTO on November 25, 2005 should not have been rescinded because of non-response of the New Notice of Allowance mailed January 27, 2005 in lieu of the RCE mailed in on May 12, 2006. A letter requesting that the issue fee payment on November 22, 2004 should have been sent to apply to the new Issue Fee due April 27, 2005.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** Abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Nina Motley
Quality Control Assistant
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-08

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

COPY MAILED

AUG 14 2008

OFFICE OF PETITIONS

In re Application of :
DePetrillo et al. :
Application Number: 10/601711 :
Filing Date: 06/20/2003 : ON PETITION
Attorney Docket Number: :
RONA.002US0 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on June 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on April 28, 2005, for failure to timely reply to the Notice of Allowance and Fee (s) Due mailed on January 27, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on October 27, 2005.

Receipt of the issue and publication fees paid on January 18, 2005 is acknowledged.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 080504

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 24 2004

In re Application of:	:	
CHENG-WEN HUANG	:	
Serial No.: 10/601,714	:	DECISION ON REQUEST TO WITHDRAW
Filed: June 24, 2003	:	FROM RECORD
Attorney Docket No.: **IACP0042USA0**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed May 18, 2004.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 04/20/2010

Applicant	: Tom Sprinkle	: DECISION ON REQUEST FOR
Patent Number	: 7621274	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/601,729	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1683** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

COPY MAILED

JAN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Hockrainer et al.	:	
Application No. 10/601,737	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 1/1223-1-C1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 14, 2006 and supplemented on September 8, 2006, to revive the above-identified application.

The petition is **GRANTED.**

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

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 11/457,506.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

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

Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
P.O. Drawer 10095
Tallahassee FL 32302-2095

COPY MAILED

JAN 0 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Mazlout and Olidi	:	
Application No. 10/601,749	:	DECISION REFUSING STATUS
Filed: June 23, 2003	:	UNDER 37 CFR 1.47(b)
For: CARTON DISPENSING MACHINE	:	

This is in response to the petition under 37 CFR 1.47(b), filed June 23, 2003. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioner.

The petition is **dismissed**.

Petitioner is given TWO (2) MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 23, 2003, with a declaration naming Lazhar Mazlout and Benen Olidi as joint-inventors and signed by Hilmon S. Sorey, Jr., President of Florida Black Business Support Corporation (FBBSC).

In the present petition, petitioner states that diligent effort has been made to contact the inventors for a period of six-months with no success. Petitioner further states that the inventors assigned all of their rights in the invention to the FBBSC and that FBBSC's plans to commercialize this invention have been delayed by their inability to seek patent protection. Petitioner requests that the Office allows FBBSC to proceed with prosecution of this application without the inventors' signatures, pursuant to 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage. Petitioner lacks items (2) and (6) as set forth above.

As to item (2), applicants failed to submit an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64. The declaration does not identify the residences, mailing addresses or countries of citizenship of inventors Mazlout and Olidi. The Office notes that the oath or declaration must identify the country of citizenship, as well as "[t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. . . ." 37 CFR 1.63(c)(1). Furthermore, it is unclear if the last known address for the inventors set forth in the petition is a location where the inventors customarily receive mail.

To correct the deficiencies, applicants must submit an oath or declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the entire inventive entity, the correct mailing address and citizenship of each inventor, and is signed by Mr. Sorey on behalf of the nonsigning inventors.

As to item (6), petitioner should submit a statement from the practitioner or an officer of FBBSC stating that it is necessary to proceed with prosecution of this application without the inventors' signatures to prevent irreparable damage.

Further correspondence with respect to this matter should be addressed as follows **and directed to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail: Commissioner for Patents
Mail Stop Petitions
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

COPY MAILED

MAR 2 1 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Minoru Kusakabe et al :
Application No. 10/601,772 :
Filed: June 24, 2003 :
Attorney Docket No. 00862.023108

This is a decision on the petition filed, March 14, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 9, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

11/11/08

Patent No. :7188031
Inventor(s) : TADASHI OKAMOTO ET AL.
Issued : 3/6/2007
Title : METHOD FOR AQUIRING INFORMATION OF BIOCHIP USING TIME OF FLIGHT SECONDARY ION MASS SPECTROMETRY AND AN APPARATUS FOR ACQUIRING INFORMATION FOR THE APPLICATION THEREOF
Atty.doc./File No.

Request for Certificates 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 CFR 1.322.

Inspection of the application for the patent reveals that col. 14 line 42,49,51, & 58 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10112-3801

HR/CBN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTOR'S OFFICE

SEP 28 2006

TECHNOLOGY CENTER 3600

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

In re application of Juergen Kind, et al. Application No. 10/601,790 Filed: June 24, 2003 For: COMPUTERIZED SYSTEMS AND METHODS FOR PERFORMING TRANSACTIONS	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 22, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirement (B) above. Regarding item (B), the petition fails to include an election without traverse, or a statement that applicant is willing to elect without traverse should a restriction or election be required.

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

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

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.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/dcg: 9/11/06

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
JUN 19 2006
OFFICE OF PETITIONS

THE WEBB LAW FIRM
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
Daniel C. Troyer	:	
Application No. 10/601,792	:	DECISION ON PETITION
Filed: June 23, 2003	:	TO WITHDRAW
Attorney Docket No. 4264-030858	:	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 17, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John W. McIlvaine, on behalf of all attorneys of record who are associated with, The Webb Law Firm.

All attorneys/agents associated with, The Webb Law Firm has been withdrawn.

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

All future correspondence will be directed to the sole inventor Daniel C. Troyer, at the address indicated below.

The application is being referred to Technology Center AU 3724.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee: pb

cc:
MR. DANIEL C. TROYER
1943 JIMTOWN ROAD
BROOKVILLE, PA 15825

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/601,794	06/23/2003	2643	1314	9400-10	4	42	5

CONFIRMATION NO. 7701

CORRECTED FILING RECEIPT

OC000000012049350

39072
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

Date Mailed: 03/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Blake R. Urban, Lenoir, NC;
Kevin Forsberg, Orlando, FL;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/29/2003

Projected Publication Date: 12/23/2004

Non-Publication Request: No

Early Publication Request: No

Title

Test unit for interface between telephone company demarcation point device and customer's telephone system

Preliminary Class

379

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GUNN, LEE & HANOR
700 N. ST. MARY'S STREET
SUITE 1500
SAN ANTONIO TX 78205

In re Application of	:
Morris Samuelson et al	:
Serial No.: 10/601,795	: PETITION TO MAKE SPECIAL
Filed: June 23, 2003	:
Attorney Docket No.: P5435	:

This is in response to applicants' petition filed June 23, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, I. Therefor the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at 703-872-9306.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GUNN, LEE & HANOR
700 N. ST. MARY'S STREET
SUITE 1500
SAN ANTONIO TX 78205

In re Application of	:
Morris Samuelson et al	:
Serial No.: 10/601,796	: PETITION TO MAKE SPECIAL
Filed: June 23, 2003	:
Attorney Docket No.: P5435	:

This is in response to applicants' petition filed June 23, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, I. Therefor the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at 703-872-9306.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GUNN, LEE & HANOR
700 N. ST. MARY'S STREET
SUITE 1500
SAN ANTONIO, TX 78205

COPY MAILED
DEC 1 8 2006
OFFICE OF PETITIONS

In re Application of	:	
SAMELSON, et al.	:	
Application No. 10/601,796	:	DECISION ON PETITION
Filed: June 23, 2003	:	TO WITHDRAW
Attorney Docket No. P-5435 (DIV1)	:	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 05, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on July 13, 2006.

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 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: MORRIS SAMELSON
EARTH SALTS INTERNATIONAL, INC.
11729 WARFIELD
SAN ANTONIO, TX 78216

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GUNN & LEE, P.C.,
700 N. ST. MARY'S STREET, STE.1500
SAN ANTONIO TX 78205

COPY MAILED

MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of

SAMELSON, Morris et al.
Application No. 10/601,796
Filed: June 23, 2003
Attorney Docket No. **P-5435(DIV1)**

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 23, 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 Miguel Villarreal on behalf of all attorneys of record. All attorneys/agents associated with Gunn & Lee, P.C. 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 Morris Samelson at the address indicated below.

There is an outstanding office action mailed February 23, 2007 that requires a reply from applicant.

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: **MORRIS SAMELSON**
P.O. BOX 460743
SAN ANTONIO, TX 78246

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
10/601,796	06/23/2003	Morris Samelson	P-5435(DIV1)

CONFIRMATION NO. 7988

OC000000023542969

GUNN & LEE, P.C.,
700 N. ST. MARY'S STREET, STE.1500
SAN ANTONIO, TX 78205

Date Mailed: 04/25/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2007.

- 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 A. Edson
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

COPY MAILED

MAY 30 2006

OFFICE OF PETITIONS

In re Application of :
Bakhsh et al. :
Application No. 10/601,808 :
Filed: June 23, 2003 :
Attorney Docket No. TRW(AP)6483 :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed February 10, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed application No. 10/301,966, set forth in an amendment filed August 15, 2005.

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 where there is a question whether the delay was unintentional.

A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii). However, a final Office action was mailed in

this application on October 24, 2005. On April 24, 2006, applicant submitted a Request for Continued Examination (RCE)(with fee and submission), made timely by an accompanying petition for extension of time.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed application 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 filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

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

This application is being referred to Technology Center Art Unit 3616 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Charles Pearson
Director
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/601,808	06/23/2003	3616	988	TRW(AP)6483	8	26	3

CONFIRMATION NO. 9845

CORRECTED FILING RECEIPT

OC000000018856034

26294
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND, OH 44114

Date Mailed: 05/18/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ali Emam Bakhsh, Rochester Hills, MI;
Ayad Nayef, Sterling Heights, MI;
Chang H. Lee, West Bloomfield, MI;

Assignment For Published Patent Application

TRW Vehicle Safety Systems Inc.

Power of Attorney:

Robert Sundheim--20127
Thomas Tarolli--20177
Calvin Covell--24042
Maurice Salada--26502
Allan Vogele--28127
Barry Tummino--29709
Gary Hermanson--34349
James Tarolli--36029
Gary Pitzer--39334
Richard Wesorick--40871

Domestic Priority data as claimed by applicant

This application is a CIP of 10/301,966 11/22/2002 PAT 7,000,944

Foreign Applications **Acceptable Request to Retrieve Priority Application Received?**

If Required, Foreign Filing License Granted: 09/08/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/601,808

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Inflatable windshield curtain

Preliminary Class

280

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWSON AND HOWSON
ONE SPRING HOUSE CORPORATION CENTER
BOX 457
321 NORRISTOWN ROAD
SPRING HOUSE, PA 19477

COPY MAILED
AUG 1 6 2004
OFFICE OF PETITIONS

In re Application of	:	
Earl Ronald Owen, et al.	:	
Application No. 10/601,825	:	DECISION GRANTING PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. 577122000101	:	

This is a decision on the petition under 37 CFR 1.55(c), filed February 6, 2004, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of foreign Application No. PN 0667, filed January 19, 1996.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending, nonprovisional application was filed on June 23, 2003, which is after November 29, 2000 and within 12 months of January 19, 1996 (the filing date of the intermediate PCT Application No. PCT/AU96/00024 to which benefit is now being claimed). On February 6, 2004, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1330 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **granted**.

This application is being referred to Technology Center AU 3731 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Sherry Brinkley at (703) 305-9220.

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 27 2007

OFFICE OF PETITIONS

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

In re Application of	:
Rui Guo DENG, et al	:
Application No. 10/601,828	: DECISION ON PETITION
Filed: June 23, 2003	: TO WITHDRAW
Attorney Docket No. 2451.PORA.PT	: 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, 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 Frank W. Compagni on behalf of all attorneys/agents of record.

All attorneys/agents of record 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 Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: GUO RUI DENG
XIA KOU INDUSTRY DISTRICT,
DONG CHENG AREA
DONGGUAN, CHINA

cc: MICHAEL A. LISI
HONIGMAN MILLER SCHWARTZ
AND COHN, LLP
38500 WOODWARD AVENUE, SUITE 100
BLOOMFIELD HILLS, MI 48304-5048

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
10/601,828	06/23/2003	Guo Rui Deng	2451.PCRA.PT

CONFIRMATION NO. 9067

OC000000026196268

26986
MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

Date Mailed: 10/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/10/2007.

- 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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 16 2005

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

MAILED

MAR 16 2005

OFFICE OF THE DIRECTOR
TC 3600

Edell, Shapiro, Finnan & Lytle, LLC
1901 Research Boulevard
Suite 400
Rockville, MD 20850

In re Application of
Rolland N. Little
Application No. 10/601,830
Filed: June 23, 2003
For: SOLAR CHARGED, ELECTRICALLY DRIVEN WATERCRAFT

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to the Petition to Withdraw the Holding of Abandonment filed in the United States Patent and Trademark Office on October 29, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing:

☐ Postcard receipt dated_____.

☐ USPTO return facsimile receipt dated _____.

☐ Certificate of Mailing/Transmission signed on _____.
and supported by a statement under 37 C.F.R. 1.8(b)(3).

☐ Hand Delivery Receipt of the specific documents submitted dated _____.

☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on _____.

☐ Express Mail Receipt under 37 C.F.R. 1.10 dated _____.

☒ Originally sent response, filed June 28, 2004 including a request for a one-month extension of time, has been found and matched with the application.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response and then to the examiner for prompt action.

KJD/jwk: 3/9/05

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
TECHNOLOGY CENTER 3600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/30/08

Paper No.: _____

TO SPE OF : ART UNIT 3632

SUBJECT : Request for Certificate of Correction on Patent No.: 7024834

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

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

Changes to Claims Approved?

Thank You For Your Assistance

D. Irvine
Certificates of Correction Branch
Tel. No. 703-308-9590

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

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

Comments:

_____

_____

_____

_____

_____

SPE _____ Art Unit _____

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Col. 7, line 19, delete "mail" and insert --male--

Col. 10, line 14, delete the "," after "the"

Col. 12, line 27, delete the "." after the second occurrence of "the"

Col. 12, line 30, delete "arid" and insert --and--

Col. 14, line 66, cancel the text beginning with "1. A portable dissassembleable display comprising" to and ending "aligned conjoined tubular segments." in Col. 15, line 28, and insert the following claim:

1. A portable dissassembleable display comprising a tubular framework that stands upon a floor surface, and a graphic display portion supported by the tubular framework, the tubular framework comprising:

a plurality of metallic tubular segments each of said plurality of tubular segments being at least two and one-half inches in diameter, said plurality including a first tubular segment and a second tubular segment, each of said first and second tubular segments having two end portions, at least one end portion of the first tubular segment having a first flange portion disposed therein, and at least one end portion of the second tubular segment having a second flange portion disposed therein, each of said flange portions having a radially extending aperture, a radially extension set screw, a central axially extending pin recess, and a plurality of indexing pin recesses positioned around the central pin recess to form a generally circular indexing pin recess formation, the set screws adjustable into and out of the radially extending aperture and the central pin recess of the respective flange portion, the first tubular end portion and the first flange portion in axial alignment and a confronting relationship with the second tubular end portion and the second flange portion, and the central axially extending pin recesses of the first flange portion in alignment with the central axially extending pin recess of the second flange portion; and

at least one connecting pin having an axis and extending into and between the aligned axially extending pin recesses, the connecting pin having two set screw receiving regions engagable with the respective set screws such that the first and second tubular segments are securable together forming axially aligned conjoined tubular segments.

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Col. 15, line 57, cancel the text beginning with "7. The portable dissassemblable display of claim 6," to and ending "second outer surface" in Col. 15, line 59, and insert the following claim:

--7. The portable dissassemblable display of Claim 6, wherein the at least one recess in the first outer surface does not extend through to the second outer surface.--

Col. 15, line 60, cancel the text beginning with "8. The portable dissassemblable display of claim 6," to and ending "branch" in Col. 15, line 67, and insert the following claim:

--8. The portable dissassemblable display of Claim 6, further comprising a hub having a contoured side for engagement with the substantially cylindrical outer periphery of at least one of the conjoined tubular end portions, the hub further having a slot for receiving the at least one connecting branch and a securing member for engagement with the at least one recess in the first outer surface of the at least one connecting branch.--

Col. 16, line 1, cancel the text beginning with "9. The portable dissassemblable display of claim 8," to and ending "is a setscrew.", in Col. 16, line 2, and insert the following claim:

--9. The portable dissassemblable display of Claim 8, wherein the securing member is a set screw.--

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Col. 16, line 10, cancel the text beginning with "11. A portable dissassemblable display comprising a," to and ending "tubular end portions", in Col. 16, line 52, and insert the following claim:

11. A portable disassemblable display comprising a tubular framework and a graphic display portion supported by the tubular framework, the display being self-standing upon a floor surface, the display comprising:

a plurality of tubular segments, said plurality of tubular segments being at least two and one/half inches in diameter and including a first tubular segment and a second tubular segment, each of said first and second tubular segments having two end portions, the tubular end portions removably conjoined with a hub connecting plate sandwiched therebetween, the hub connecting plate having at least one outwardly extending connecting branch having a recess;

a hub having a contoured side for engagement with the substantially cylindrical outer periphery of the conjoined tubular end portions, the hub further having a slot for receiving the at least one connecting branch and a securing member for engagement with the recess of the at least one connecting branch;

at least one end portion of the first tubular segment having a first flange portion and at least one end portion of the second tubular segment having a second flange portion, each of said flange portions having a radially extending securing aperture and a set screw and at least one axially extending pin recess, each of the set screws adjustable radially into and out of the respective securing apertures;

wherein the first tubular end portion and the first flange portion are in axial alignment and a confronting relationship with the second tubular end portion and the second flange portion, and the axially extending pin recess in the first flange portion is in alignment with the second axially extending pin recess in the second flange portion; and

at least one connecting pin having an axis and extending between and into the aligned first and second axially extending pin recesses, the connecting pin having two set screw receiving regions engagable with respective set screws whereby the first and second tubular segments are secured together forming axially conjoined tubular end portions.

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Col. 16, line 53, cancel the text beginning with "12. A display constructed from a framework connecting," to and ending "second member flanges", in Col. 17, line 14, and insert the following claim:

--12. A display constructed from a framework connecting system, the framework connection system comprising:

a first tubular frame member having two first member end portions having end portion apertures, and at least one first member flange secured within at least one of the first member end portions, the first member flange having at least one axially traversing connection aperture, a radially traversing securing aperture in communication with the respective end portion aperture of the first tubular frame member and the axially traversing connection aperture of the first member flange, and a plurality of first indexing pin apertures positioned around the at least one axially traversing connection aperture of the first member flange in a generally circular formation;

a second tubular frame member having two second member end portions having end portion apertures, and at least one second member flange secured within at least one of the second member end portions, the second member flange having at least one axially traversing connection aperture and a radially traversing securing aperture in communication with the respective end portion aperture of the second tubular frame member and the axially traversing connection aperture of the second member flange, and a plurality of second indexing pin apertures positioned around the at least one axially traversing connection aperture of the second member flange in a generally circular formation; and

a connector pin having two pin end portions, wherein one of the pin end portions extends into the axially traversing connection aperture of the first member flange and the other of the pin end portions extends into the axially traversing connection aperture of the second member flange, and wherein the first and second tubular frame members are abuttably conjoined at the respective end portions and the connector pin end portions are secured in place by securing members inserted through the radially traversing securing apertures of the first and second member flanges.

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Col. 14, line 17, cancel the text beginning with "14. The framework connection system of claim 13," to and ending with "the securing member" in Col. 14, line 20, and insert the following claim:

14. The framework connection system of Claim 12, wherein at least one of the two pin end portions of the connector pin includes a radial groove adapted to engageably receive the securing member.

Col. 14, line 21, cancel the text beginning with "15. The framework connection system of claim 12," to and ending with "stability." in Col. 17, line 28, and insert the following claim:

15. The framework connection system of Claim 12, further including at least one indexing pin for insertion into the first or second indexing apertures to provide rotation stability for the conjoined first and second tubular frame members.

Col. 18, line 1, cancel the text beginning with "22. The framework connection system of claim 21," to and ending with "foot pod" in Col. 18, line 5, and insert the following claim:

--26. The framework connection system of Claim 21, wherein the base stand includes a foot pod having a threaded axial shaft and an elongate nut adjustable along at least a portion of the length of the shaft to provide height adjustment for the foot pod.--

Col. 19, line 20, cancel the text beginning with "28. The system of claim 27, further including at least one", to and ending with "for the variable second axis.", in Col. 19, line 51.

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Page 6 of 8

Col. 19, line 52, cancel the text beginning with "32. A method of constructing a display from a tubular" to and ending with "segments", in Col. 20, line 9, and insert the following claim:

--29. A method of constructing a display from a tubular framework connection system, comprising the steps of:

providing a first tubular frame segment having at least one first end portion including a radially extending securing aperture and an axially connected first flange having at least one axial connector aperture, a radial connector aperture in generally transverse communication with the at least one axial connector aperture of the first flange, and a plurality of first indexing pin apertures positioned around the at least one axial connector aperture of the first flange in a generally circular formation;

providing a second tubular frame segment having at least one second end portion including a radially extending securing aperture and an axially connected second flange having at least one axial connector aperture, a radial connector aperture in generally transverse communication with the at least one axial connector aperture of the first flange, and a plurality of first indexing pin apertures positioned around the at least one axial connector aperture of the first flange in a generally circular formation;

providing a connector pin having distal engagement grooves, the connector pin being disposed to extend between and into the axial connector apertures of the flanges of the first and second tubular frame segments such that one of the engagement grooves is aligned with the radially extending securing aperture of the first tubular frame segment and the radial connector aperture of the first flange, and the other of the engagement grooves is aligned with the radially extending securing aperture of the second tubular frame segment and the radial connector aperture of the second flange; and

engaging a securing member through each of the radially extending securing apertures of the first and second frame segments and the radial connector apertures of the first and second flanges for engagement with the respective engagement grooves of the connector pin to confrontingly axially conjoin the first and second frame segments.--

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Page 7 of 8

Col. 20, line 57, cancel the text beginning with "An appurtenance connection system for connecting", to and ending with "first tubing segment.", in Col. 22, line 6.

Col. 22, line 7, cancel the text beginning with "A display constructed from a framework connecting", to and ending with "member end portions.", in Col. 22, line 23, and insert the following claim:

--30. A display constructed from a framework connecting system, the framework connection system comprising:

a first tubular frame member having two first member end portions having end portion apertures, and a first flange insertably axially secured within at least one of the first member end portions, the first flange having at least one first axial aperture, a radial aperture extending therein for generally transverse communication with the first axial aperture, and a plurality of first indexing pin apertures positioned around the first axial aperture to define a generally circular formation;

a second tubular frame member having two second member end portions having end portion apertures, and a second flange insertably axially secured within at least one of the second member end portions, the second flange having at least one second axial aperture, a radial aperture extending therein for generally transverse communication with the second axial aperture, and a plurality of second indexing pin apertures positioned around the second axial aperture to define a generally circular formation;

means for conjoining the first flange and the second flange such that the respective first member and second member end portions are axially conjoined; and

means for lockably securing the means for conjoining the first flange and the second flange through the respective end portion apertures of the first member and second member end portions.--

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,024,834

DATED : April 11, 2006

INVENTOR(S) : Dixon S. Gimpel, Curtis H. Lindblom

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

Page 8 of 8

Col. 22, line 25, cancel the text beginning with "42. The framework connecting system of claim 41, further", to and ending with "to the hub plate"; in Col. 22, line 30, and insert the following claim:

--31. The framework connecting system of Claim 30, further comprising a hub plate interposed between the conjoined first and second flanges, the hub plate having at least one means for axially conjoining the hub plate between the first and second flanges and at least one means for receivably securing a hub to the hub plate.--

Col. 22, line 31, cancel the text beginning with "43. The framework connecting system of claim 41, further", to and ending with "flange.", in Col. 22, line 35.

Col. 22, line 36, cancel the text beginning with "44. The framework connecting system of claim 42, further", to and ending with "member end portions.", in Col. 22, line 40, and insert the following claim:

--32. The framework connecting system of Claim 31, further including a third tubular frame member having two third member end portions having end portion apertures, and a third flange insertably axially secured within at least one of the third member end portions, the third flange having at least one third axial aperture and a radial aperture extending therein for generally transverse communication with the third axial aperture.--

Col. 22, line 41, cancel the text beginning with "45. The framework connecting system of claim 44, further", to and ending with "hub plate.", in Col. 22, line 44, and insert the following claim:

--33. The framework connecting system of Claim 32, further including means for axially conjoining the third flange to the hub distal the means for receivably securing the hub to the hub plate.--

MAILING ADDRESS OF SENDER:
Customer No. 24113
Douglas J. Christensen
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. 7,024,834

No. of additional copies _____

Burden Hour Statement. This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

AUG 1 1 2008

In re Application of	:	
Manne Satyanarayana Reddy et al.	:	
Application No. 10/601,844	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. BULK-3.0-018	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed May 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and an Appeal Brief, (2) the petition fee of $1540.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 0 2 2006

Gregory J. Maier
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, PC.
1940 Duke Street
Alexandria VA 22314

In re Application of: Lo DUCA	:
Appl. No.: 10/601845	: DECISION ON PETITION
Filed: June 24, 2003	:
For: BOX WITH POCKET FOR ILLUSTRATIVE LEAFLET	:

This is a decision on the petition filed March 11,2005 by which petitioners request consideration of an Information Disclosure Statement filed October 10, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Review of the application and of the petition evidence shows that petitioner timely filed an Information Disclosure Statement under 37 CFR 1.97 and 1.98 on October 10, 2003. Accordingly, the Information Disclosure Statement will be considered. The file is being forwarded to the examiner of record for consideration of the information contained therein.

PETITION GRANTED

Frederick R. Schmidt

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
DABAK et al :
Application No.: 10/601,866 :
Filing Date: June 23, 2003 :
Attorney Docket No.: TI-28441A :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2006, to revive the above-identified application.

The petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 12, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on March 13, 2006 (March 12, 2006 being a Sunday).

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 June 8, 1995.

The instant petition does not satisfy requirement (3) above. Specifically, petitioner states that the entire delay from June 13, 2006 to August 22, 2006 was unintentional. However, as set forth above, the delay is from March 14, 2006 to the filing of a grantable petition.

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. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

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

Mail Stop Petitions
Commissioner for Patents

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

JUL 06 2007

OFFICE OF PETITIONS

In re Application of	:	
DABAK et al	:	
Application No.: 10/601,866	:	DECISION ON PETITION
Filing Date: June 23, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: TI-28441A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 15, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 12, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on March 13, 2006 (March 12, 2006 being a Sunday).

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 election of the invention; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action mailed December 12, 2005 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 2611 for appropriate action, if any, on the reply in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Anand G. Dabak	: DECISION ON REQUEST FOR
Patent Number	: 7613259	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/601,866	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **686** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

COPY MAILED

FEB 16 2005

OFFICE OF PETITIONS

Applicant: Arimoto et al.
Appl. No.: 10/601,871
Filing Date: June 24, 2003
Title: FILM FOR FASTENING CARGO DURING TRANSPORTATION AND METHOD FOR FASTENING CARGO USING THE SAME
Pub. No.: US 2004/0048085 A1
Pub. Date: March 11, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on April 9, 2004, 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 republishes.

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

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BURNS DOANE SWECKER & MATHIS LLP
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

COPY MAILED

JUN 1 5 2005

OFFICE OF PETITIONS

In re Application of	:
Masashi Arimoto et al	:
Application No. 10/601,871	: DECISION GRANTING PETITION
Filed: June 24, 2003	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 018765-142	:

This is a decision on the petition, filed June 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 3, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1713 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF JAMES J. RALABATE
5792 MAIN ST.
WILLIAMSVILLE, NY 14221

COPY MAILED
JUL 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Newman, Steven A.	:	DECISION ON PETITION
Application No. 10/601,902	:	TO WITHDRAW
Filed: June 23, 2003	:	FROM RECORD
Attorney Docket No. XIP74CIP	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 16, 2005.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of 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 reason provided does 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 reason set forth in the request does not meet any the conditions set forth in 37 CFR 10.40.

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 Petitions Examiner Liana Chase at 571-272-3206. All other inquiries should be directed to the Technology Center.

David Bucci
for Petitions Examiner
Office of Petitions

Cc:

XYBERNAUT CORPORATION
ATTN: CHRISTOPHER TUCKER, PATENT AGENT
SUITE 500, HYATT PLAZA
12701 FAIR LAKES CIRCLE
FAIRFAX, VA 22033

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

OCT 21 2003

OFFICE OF PETITIONS

In re Application of	:
Yun et al.	:
Application No. 10/601,937	:DECISION GRANTING PETITION
Filed: 23 June, 2003	:
Attorney Docket No. 5649-1137	:

This is a decision on the petition filed on 22 September, 2003, requesting that the above-identified application be accorded a filing date of 23 June, 2003, instead of the presently accorded filing date of 24 June, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 23 June, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 23 June, 2003, petitioners supplied, on 22 September, 2003, a tracking report printed from the USPS Internet Track & Confirm and database, which shows that a mailing bearing Express Mail Label No. EV353609729US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file) was accepted by the USPS on 23 June, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 23 June, 2003.

In view of the above, the application is entitled to a filing date of 23 June, 2003.

The petition is granted. No petition fee was submitted and none is due.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 23 June, 2003, not 24 June, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MSB

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OIPE JC16
NOV 01 2004
PATENT & TRADEMARK OFFICE

COPY

COPY MAILED

OCT 21 2003

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of	:
Yun et al.	:
Application No. 10/601,937	:DECISION GRANTING PETITION
Filed: 23 June, 2003	:
Attorney Docket No. 5649-1137	:

This is a decision on the petition filed on 22 September, 2003, requesting that the above-identified application be accorded a filing date of 23 June, 2003, instead of the presently accorded filing date of 24 June, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 23 June, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 23 June, 2003, petitioners supplied, on 22 September, 2003, a tracking report printed from the USPS Internet Track & Confirm and database, which shows that a mailing bearing Express Mail Label No. EV353609729US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file) was accepted by the USPS on 23 June, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 23 June, 2003.

In view of the above, the application is entitled to a filing date of 23 June, 2003.

The petition is granted. No petition fee was submitted and none is due.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 23 June, 2003, not 24 June, 2003, and for issuance of a corrected Filing Receipt.

AV
10-24-03

NOV 0 1 2004
PATENT & TRADEMARK OFFICE

Telephone inquiries may be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

COPY MAILED

DEC 1 8 2003

OFFICE OF PETITIONS

In re Application of	:	
Nair, et al.	:	
Application No. 10/601,938	:	DECISION GRANTING PETITION
Filed: June 23, 2003	:	
Attorney Docket No. 9180-29	:	

This is a decision on the petition filed October 10, 2003, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of June 23, 2003, rather than the presently accorded filing date of June 24, 2003.

Petitioner alleges that the application was deposited with the Express Mail Service on June 23, 3003. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV353608459US showing a "date-in" of June 23, 2003. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on June 23, 2003.

In view of the above, the petition is granted. The new filing date for the above-cited application is June 23, 2003.

The Office of Initial Patent Examination will further process the application with a filing date of June 23, 2003, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENTON R. MULLINS
STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

COPY MAILED

AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Chun-Yi Yang :
Application No. 10/601,958 :
Filed: June 23, 2003 :
Attorney Docket No. MXIC-P910252 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2005 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 27, 2004. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II) (A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. As a proper and timely reply was not received, this application became abandoned on March 1, 2005 (February 27, 2005, the due date, was a Sunday). A Notice of Abandonment was mailed on October 19, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $790, and the submission required by 37 CFR 1.114 (which was previously submitted); (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of August 27, 2004 is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 2814 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the submission under 37 CFR 1.114.

Frances Hicks
Petitions Examiner
Office of Petitions

OIPE IAP85 DEC 2 9 2005 PATENT & TRADEMARK OFFICE

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) MXIC-P910252

OIPE IAP85 DEC 2 9 2005 PATENT & TRADEMARK OFFICE

CANCELLED

First named inventor: Chun-Yi Yang

Application No.: 10/601,958

Art Unit: 2814

Filed: 06/23/2003

Examiner: HA, NATHAN W

Title: READ-ONLY MEMORY DEVICE CODED WITH SELECTIVELY INSULATED GATE ELECTRODES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

Adjustment date: 09/05/2006 OKELLEX
01/04/2006 WABDELR1 00000094 10601958
02 FC:1461 -460.00 OP

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☑ Other than small entity – fee $ 1500 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (RCE) (identify type of reply):
☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/04/2006 WABDELR1 00000094 10601958
01 FC:1453 1500.00 OP

01/04/2006 WABDELR1 00000094 10601958
02 FC:1461 460.00 OP

10 601977

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060726

DATE : July 26, 2006

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction on Patent No.: 6,768239

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Darren E. Schuberg **Art Unit** 2834

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAROLLI SUNDHEIM COVELL & TUMMINO LLP
1111 LEADER BUILDING
526 SUPERIOR AVENUE
CLEVELAND, OH 44114-1400

COPY MAILED

NOV 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Kurt F. Fischer et al	:	
Application No. 10/601,981	:	DECISION GRANTING PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. TRW(AP)6382	:	

This is a decision on the petition, filed November 16, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 22, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEITH J. MEADOR
1900 CRESSON DR.
SOUTHLAKE TX 76092

COPY MAILED

JUN 0 1 2004

OFFICE OF PETITIONS

In re Application of	:
Keith Joseph Meador	:
Application No. 10/601,990	: DECISION ON PETITION
Filed: June 24, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. KM-002	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 25, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/084,127, filed February 28, 2002, set forth in the amendment filed concurrently with the instant petition.

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(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

---

[1] *Note* 37 CFR 1.121

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 Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8859.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

HARNESS, DICKEY & PIERCE
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

COPY MAILED

JUL 1 4 2004

OFFICE OF PETITIONS

In re Application of
Keith Joseph Meador
Application No. 10/601,990
Filed: June 24, 2003
Attorney Docket No. KM-002

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 8, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;[1]
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant pending application was filed on June 24, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center Art Unit 1761 will consider applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed nonprovisional Application No. 10/084,127, filed February 28, 2002.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JJGJr.: 05-05

Paper No. __

MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER/SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

COPY MAILED

JUN 16 2005

OFFICE OF PETITIONS

In re Application of :
Snow :
Application No. 10/602,015 :
Filed: 23 June, 2003 :
Attorney Docket No.: PA0883.ap.US :

DECISION
ON PETITION

This is a decision on the petition under 37 C.F.R. §1.78(a)(3)—styled as a "Petition under 37 C.F.R. §1.54(c) . . ."—filed 20 August, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior filed nonprovisional application (to wit: Application No. 08/695,640, filed 12 August, 1996). As will become evident, the petition is in conflict with itself, in that it also appears to seek priority to Application No. 08//388,292, filed 14 February, 1995, and Application No. 08//043,413, filed 6 April, 1993.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application(s) was made within the time period set forth in 37 C.F.R. §1.78(a)(2)(ii) and further failed to include a proper reference to the above-noted, prior-filed application(s) as required by 37 C.F.R. §1.78(a)(2)(i) and §1.78(a)(2)(iii).

The instant application was filed on 23 June, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 C.F.R. §1.78(a)(3) is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

A review of the petition at page 5 thereof indicates that Petitioner seeks to add references to Application No. 08/695,640, Application No. 08//388,292 and Application No. 08//043,413, while deleting the claim for priority to Application No. 08/198,368, filed February 18, 1994.

However, at page 3 of the petition, Petitioner states only that "the omission of the additional intervening application in the chain (USSN 08/605,640, [sic, 08/695,640] filed August 12, 1996) was unintentional." (Emphasis supplied.) Thus, Petitioner fails to make the statement of unintentional delay as to Application No. 08/388,292 and Application No. 08/043,413.

Further, in reviewing the chain of prior-filed applications , it is noted that Application No. 10/286,370, filed October 31, 2002, became abandoned on March 25, 2003, for failure to timely reply to the Notice mailed January 24, 2003. Therefore, as Application No. 10/286,370 became abandoned prior to the June 23, 2003 filing date of the instant application, the claim for priority thereto is improper as no copendency exists between this application and Application No. 10/286,370.

Therefore, as of this writing Petitioner has failed to satisfy the statement requirement of the regulation as to all applications for which late priority is claimed, and the petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(703) 872-9306
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Inquiries concerning this decision may be directed to John Gillon, Senior Attorney, Office of Petitions at (571) 272-3214.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 05/05/2010

Applicant	: Himanshu Brahmbhatt	: DECISION ON REQUEST FOR
Patent Number	: 7611885	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/602,021	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **655** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20100511

DATE : December 19, 2008

TO SPE OF : ART UNIT 3772

SUBJECT : Request for Certificate of Correction on Patent No.: 7004240

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:

/PATRICIA M BIANCO/
Supervisory Patent Examiner.Art Unit 3772

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100511

DATE : December 19, 2008

TO SPE OF : ART UNIT 3772

SUBJECT : Request for Certificate of Correction on Patent No.: 7004240

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:

/PATRICIA M BIANCO/
Supervisory Patent Examiner.Art Unit 3772

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

COPY MAILED

MAY 3 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,109,980	:	
Application No. 10/602,033	:	
Filed: June 24, 2003	:	ON PETITION
Issued: September 19, 2006	:	
Attorney Docket No. 46970-5192	:	

This is a decision on the petition filed January 17, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee to the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh for
Frances Hicks
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

March 7, 2005

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

MAR 1 0 2005

In re Application of:	:	
DAE-HO CHOO, ET AL.	:	PETITION FROM REQUIREMENT
Application No. 10/602,054	:	FOR RESTRICTION UNDER
Filed: June 24, 2003	:	37 CFR 1.144
Attorney Docket No. 6192.0219.D1	:	
(2035182-0324)		

The is a decision on the Petition filed on December 03, 2004, requesting withdrawal of the requirement for restriction set forth in the letter of December 15, 2003.

The Petition is Denied.

Petitioner's position is that the claims are drawn to a single inventive concept. Petitioner states that the *single invention* comprises several essential elements, such as (a) a sealant-applying unit, (b) a liquid crystal depositing unit and (c) a substrate-attaching unit, and other non-essential elements. However, inspecting currently pending claims 1-32 and 56 reveals that these three essential elements (a) through (c) are not present in base claims 21 and 24. Therefore, petitioner's contention that these elements are essential is not supported by the originally presented claims 1-32 and 56. For example, independent claim 24 lacks *the essential* sealant-applying unit and liquid crystal depositing unit.

The application is being forwarded to the examiner for consideration of the request for reconsideration filed December 03, 2004.

Janice A. Falcone

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

COPY MAILED
SEP 25 2006
OFFICE OF PETITIONS

In re Application of

Zamel, et al.

Application No. 10/602,057

Filed: June 23, 2003

Attorney Docket No. 47080-00045USPT

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 2, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 28, 2006, after it was believed that no response was received to the non-final Office action mailed December 27, 2005. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on July 12, 2006, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was mailed on December 27, 2005. A copy of the amendment containing a certificate of mailing dated March 23, 2006, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2800, GAU 2828, for further processing including entry of the copy of the amendment filed August 2, 2006.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED
MAY 30 2006
OFFICE OF PETITIONS

In re Patent No. 6,987,066	:	
Issued: 17 January, 2006	:	DECISION ON REQUEST
Application No. 10/602,072	:	FOR RECONSIDERATION OF
Filed: 12 June, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	and
04329.2470-01000	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT" filed 10 February, 2006. Patentee requests that the initial determination of patent term adjustment under 35 U.S.C. § 154(b) be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the Mailing of the Notice of Allowance is one hundred twelve (112) days.

On 17 January, 2006, the above-identified application matured into U.S. Patent No. 6,987,066, with a revised patent term adjustment of 298 days.

On 10 February, 2006, patentee submitted the instant Notice. Patentee states two Information Disclosure Statements filed 15 April and 20 June, 2005, respectively, as the basis for the request for review of the patent term adjustment. Patentee states that the submissions should be considered for a possible reduction in PTA.

A review of the application history confirms that an incorrect number of days was determined for applicant delay.

37 CFR 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

37 CFR § 1.704(d)(11) provides that:

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In this instance, it is noted that the IDS's received on 15 April, 2005, and 20 June, 2005, do not contain the above language in that they do not state that the communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. As such, the IDS's filed on 15 April, 2005, and 20 June, 2005, respectively, are properly considered a failure to engage in reasonable efforts to conclude prosecution.

The appropriate period for reduction of PTA is four (4) months for each submission to the extent that the periods do not overlap. Thus, the total period of reduction for applicant delay is 186 days. (The non-overlapping period being calculated as 66 days from 15 April, 2005, to 20 June, 2005, while the overlapping period is calculated as 120 days from 20 June, 2005, through 17 January, 2006).

In view thereof, the patent should have issued with a revised Patent Term Adjustment of one hundred twelve (112) days.

As this letter was submitted as an advisement to the Office of an error in Applicant's favor, the Office will not assess the $200.00 application fee under 37 CFR 1.705(b). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

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 ONE HUNDRED TWELVE (112) days.

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Calculation

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,987,066 B2

DATED : January 17, 2006

INVENTOR(S) : Shoji Seta et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (298) days

Delete the phrase "by 298 days" and insert – by 112 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
SANDY, UT 84070

COPY MAILED
JUL 17 2006
OFFICE OF PETITIONS

In re Application of	:	
Herbold et al.	:	
Application No. 10/602,097	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket Number:	:	
024-1-038	:	

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 February 6, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed October 24, 2005. The Notices set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on January 25, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition, Applicant has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). The issue fee is filed with the instant petition. Accordingly, the petition is granted.

This application is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-26-06

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/602,111 Patent No.: 6,909,661

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

The attached document has already been sent to scanning today.

Marietta G. Joyce
Certificates of Correction Branch
703-308-9390 ext. 109

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: A proposed Corrections would be approved per this communication; but actual cert. of Correction yet to be submitted (see page 1 of 3/13/06 communication)

5/10/06

RICHARD ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
SPE

2824
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KENNETH J. HOVET
NORDMAN, CORMANY, HAIR & COMPTON
P.O. BOX 9100
1000 TOWN CENTER DRIVE
OXNARD, CA 93031-9100

COPY MAILED

APR 2 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Adamo Sala	:	
Application No. 10/602,118	:	
Filed: June 23, 2003	:	ON PETITION
Attorney Docket Number:	:	
50046290-0017	:	

This is a decision on the Petition to Correct Reference to Prior Non-Provisional Applications [37 CFR Sec. 1.78(a)(3)], filed January 5, 2005. The petition is filed to accept an unintentionally delayed claim under 35 U.S.C. § 365(c) for the benefit of a prior-filed international application designating the United States of America (Application No. PCT/US00/14818, filed May 26, 2000).

The petition is **dismissed** for the reasons stated below.

A review of the amendment to the specification filed with the instant petition reveals that the amendment is improper. In relevant part, the amendment reads as follows:

> 09/322,700, filed May 10, 2002, which is the National Stage of International Application No. PCT/US00/14818, which is a continuation-in-part of U.S. Application No. 09/322,700 filed May 28, 1999….

The amendment seeks to have US Application serial number 09/322,700 claim priority as a continuation-in-part to itself, and as such, is improper.

A further review of the amendment and petition reveals that Applicant may be attempting to insert priority as follows:

> This invention is a continuation-in-part of U.S. Application No. 09/980,062, filed May 10, 2002, which was the National Stage of International Application No. PCT/US00/14818, which is a continuation-in-part of U.S. Application No. 09/322,700 filed May 28, 1999, now U.S. Patent 6, 172,040….

At the filing of this petition, Office records reflected that the above-identified application is a continuation-in-part of application 09/980,062, which is a continuation-in-part of

09/322,700. Office records, however, failed to note that application 09/980,062 was the National Stage of International Application No. PCT/US00/14818, which is a continuation-in-part of U.S. Application No. 09/322,700 filed May 28, 1999, now U.S. Patent 6, 172,040. Office records have been corrected to reflect this relationship.

Furthermore, as set forth in the Manual for Patent Examining Procedure ("MPEP") 1893.03(c), page 1800-149, a national stage application filed under 35 U.S.C. § 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. *See, also,* MPEP 1893.03(b). Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371.

A corrected Filing Receipt, which includes the relationship to the PCT application, accompanies this decision on petition.

A refund of the petition fee has been scheduled.

The file is being referred to Technology Center Art Unit 1654 for continued examination in due course.

Telephone inquiries concerning this decision should be directed to the Petitions Attorney Derek L. Woods at (571) 272-3232.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions

APPROVED: /J.Z./ 01/26/2009

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,394,563 B2

DATED : July 1, 2008

INVENTOR(S) : Jun Fujisawa et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE DRAWINGS

Sheet 3, Figure 3, "FLIPPIING" should read --FLIPPING--.
Sheet 4, Figure 4, "IMGE" should read --IMAGE--.
Sheet 13, Figure 13, "CONTOLLER" should read --CONTROLLER--.

COLUMN 2:

Line 11, "included" should read --included is--.

COLUMN 4:

Line 50, "(xiamge:crop" should read --(ximage:crop--.

COLUMN 6:

Line 37, "a aspect" should read --an aspect--.

COLUMN 8:

Line 51, "being maintained" should read --is maintained--.
Line 64, "with attribute," should read --width attribute--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,394,563 B2

No. of add'l. copies @ 30¢ per page

Form PTO 1050 (Rev. 3-82)

FCHS_WS_2726825v1

APPROVED: /J.Z./ 01/26/2009

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,394,563 B2

DATED : July 1, 2008

INVENTOR(S) : Jun Fujisawa et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 9:
Line 42, "of the like" should read --or the like--.
Line 56, "transfer" should read --transfers--.

COLUMN 10:
Line 8, "of the like" should read --or the like--.

COLUMN 14:
Line 5, "a printing apparatus" should read --an image processing apparatus--.
Line 59, "claim 14" should read --claim 14--.
Line 61, "forming" should read --forming information--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,394,563 B2

No. of add'l. copies
@ 30¢ per page

Form PTO 1050 (Rev. 3-82)

FCHS_WS_2726825v1

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090126

DATE : January 26, 2009

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction on Patent No.: 7,394,563

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The request for Certificate of Correction (dated 12/31/2008) is approved. Also see attached and annotated IFW document(s) for details.

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090126

DATE : January 26, 2009

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction on Patent No.: 7,394,563

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The request for Certificate of Correction (dated 12/31/2008) is approved. Also see attached and annotated IFW document(s) for details.

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

APPROVED: /J.Z./ 01/26/2009

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,394,563 B2

DATED : July 1, 2008

INVENTOR(S) : Jun Fujisawa et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE DRAWINGS

Sheet 3, Figure 3, "FLIPPIING" should read --FLIPPING--.
Sheet 4, Figure 4, "IMGE" should read --IMAGE--.
Sheet 13, Figure 13, "CONTOLLER" should read --CONTROLLER--.

COLUMN 2:

Line 11, "included" should read --included is--.

COLUMN 4:

Line 50, "(xiamge:crop" should read --(ximage:crop--.

COLUMN 6:

Line 37, "a aspect" should read --an aspect--.

COLUMN 8:

Line 51, "being maintained" should read --is maintained--.
Line 64, "with attribute," should read --width attribute--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,394,563 B2

No. of add'l. copies @ 30¢ per page

Form PTO 1050 (Rev. 3-82)

FCHS_WS_2726825v1

APPROVED: /J.Z./ 01/26/2009

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,394,563 B2

DATED : July 1, 2008

INVENTOR(S) : Jun Fujisawa et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 9:
Line 42, "of the like" should read --or the like--.
Line 56, "transfer" should read --transfers--.

COLUMN 10:
Line 8, "of the like" should read --or the like--.

COLUMN 14:
Line 5, "a printing apparatus" should read --an image processing apparatus--.
Line 59, "claim 14" should read --claim 14--.
Line 61, "forming" should read --forming information--.

MAILING ADDRESS OF SENDER:
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,394,563 B2

No. of add'l. copies @ 30¢ per page

Form PTO 1050 (Rev. 3-82)
FCHS_WS_2726825v1

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

VP
PAPER NO. ___

AUG 25 2004

In re Application of	:	
Jim S. Hogan	:	
Serial Number: 10/602,123	:	PETITION UNDER
Filed: June 23, 2003	:	M.P.E.P.708.02 IV
For: METHOD AND APPARATUS FOR PROCESSING	:	
A WASTE PRODUCT	:	

This is in response to the petition filed June 23, 2003, requesting that the above-identified application be granted Special Status under Section 708.02 IV of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IV of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON TX 77253-3267

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 23313-1450
WWW.USPTO.GOV

Mailed: DEC 28 2004

GAC
Paper No. 12-28-04

In re: U. S. Patent No. 6,758,963 to Sylvain S. Hantzer, et al.
Serial No.: 10/602123
Issued: July 6, 2004

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: Hydroprocessing Using Bulk Group VIII/Group VIB Catalysts

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed November 1, 2004 to correct inventorship under 37 CFR 1.48(a) by adding the names of Gary P. Schleicher, Stuart L. Soled and Sabato Miseo to the list of inventors of the instant application.

The requirements of 37 C.F.R. § 1.48(a) require: (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

Applicant's petition is not accompanied by Item (3) as required by 37 C.F.R. § 1.48(a). See also MPEP 201.03. This request is therefore **Denied.**

Glenn A Caldarola
Supervisory Patent Examiner
Art Unit 1764
Technology Center 1700

P.O. Box 916
Toledo, Ohio 43697-0916
(419) 243-1294

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OLSON & HIERL, LTD.
36th Floor
20 North Wacker Drive
Chicago, IL 60606

COPY MAILED

JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Mueller et al.	:	
Application No. 10/602,173	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket Number:	:	
ACU-125	:	

This is a decision on the Petition Under 37 C.F.R. § 1.137(b), filed February 10, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office Communication mailed February 15, 2005. The Office Communication set a one (1) month period for reply, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned March 16, 2005. A Notice of Abandonment was mailed September 26, 2005.

With the instant petition, Petitioner has filed a response to the office communication. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 3738 for processing of the Response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM COLLARD
COLLARD & ROE PC
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

COPY MAILED

MAY 0 9 2005

OFFICE OF PETITIONS

In re Application of	:
Kazuo Okada	:
Application No. 10/602,212	: DECISION GRANTING PETITION
Filed: June 24, 2003	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OKADA, K.-1	:

This is a decision on the petition, filed May 6, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 11, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3711 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

APR 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Hiroko Suzuki et al.	:	
Application No. 10/602,216	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. AD6892 US NA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2008, and supplemented on May 7, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 15, 2006, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on April 17, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

In the declaration filed by Arne Jarnholm (Affiant) filed concurrently with the instant petition (Declaration), it is stated that Examiner's reasons for abandonment are correct (see item 3 in the declaration). The "reasons" stated by the Examiner include confirmation of the abandonment during a telephonic conversation with the Affiant. The affiant does not state the basis for confirming the abandonment in the telephonic conversation with the Examiner. Based on the information provided, it is not clear if any circumstance that changed subsequent to that confirmation of abandonment by the affiant prompted this petition for revival. As noted in MPEP § 711.03, a change in circumstances that occurred subsequent to the abandonment of an application does not render "unintentional" the delay resulting from a previous deliberate decision to permit an application to be abandoned (*See* In re Maldague, 10 USPQ2d 1477, 1478 (Comm'r Pat. 1988). The record indicates that petitioner, by deliberate intent, allowed this application to become abandoned, and that course of action precludes revival under 37 CFR 1.137.

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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RECEIVED
CENTRAL FAX CENTER
MAY 0 7 2008

PTO/SB/97 (01-06)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

USPTO Fax No.: (571) 273-8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on May 7, 2008
Date

Ann F. Griffith
Signature

Ann F. Griffith
Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 992-3249
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

10/602216
AD6892USNA

Affidavit of Arne R. Jamholm
Notice of Abandonment
Official Filing Receipt
Transmittal Form
Petition to Revive

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 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.

RECEIVED
CENTRAL FAX CENTER
MAY 0 7 2008

Rev. 10/93

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

HIROKO SUZUKI ET. AL.

CASE NO.: AD6892US

APPLICATION NO.: 10/602,216

GROUP ART UNIT: 1771

FILED: MARCH 31, 2008

EXAMINER: TORRES VELAZQUEZ, NORCA LIZ

FOR: MOISTURE-PERMEABLE, WATERPROOF AND WINDPROOF LAMINATED SHEET, INTERLINING USING THE SAME, AND GARMENT CONTAINING THE INTERLINING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the above-captioned application for patent and in support of the PETITON TO REVIVE, filed on March 31, 2008, please find the AFFIDAVIT OF ARNE R. JARNHOLM attached hereto.

RECEIVED
CENTRAL FAX CENTER
MAY 07 2008

PTO/SB/21 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	
Filing Date	
First Named Inventor	Hiroko Suzuki, et al.
Art Unit	
Examiner Name	
Attorney Docket Number	AD6892USCNT

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
- ☐ 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

Please charge Petition to Revive to E.I. Dupont de Nemours and Comapny Deposit Account No. 04-1928

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	E. I. DU PONT DE NEMOURS AND COMPANY		
Signature			
Printed name	ARNE R. JARNHOLM		
Date	3-31-08	Reg. No.	30,398

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			
Typed or printed name		Date	

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 and 1.14. 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10 USPTO 2d 1477

STATE OF DELAWARE)
) ss
COUNTY OF NEW CASTLE)

AFFIDAVIT OF ARNE R. JARNHOLM IN SUPPORT OF PETITION TO REVIVE UNITED STATES PATENT APPLICATION SERIAL NO. 10/602,216 ('216 Application")

I, Arne R. Jarnholm, the undersigned, hereby state on oath as follows:

1. I was attorney of record in the above-captioned patent application.

2. That the above-captioned patent application was deemed to be abandoned for failure to respond to an Office Action mailed 11 May 2007. (See Notice of Abandonment, attached hereto, mailing date unknown).

3. That the examiner's reasons for abandonment in paragraphs 1 and 7 of the Notice Of Abandonment are correct.

MPEP 711.03(c) In re Maldaque

4. That on April 30, 2004, E. I. du Pont de Nemours ("DuPont"), DuPont North America, Inc. (f/k/a Invista, Inc,) Invista Technologies S. a. r. l., a Luxemburg private limited company ("Invista"), entered into a Patent and Technical Information Agreement ("PTIA").

5. That the PTIA required DuPont to offer to assign to Invista certain pending patent applications, which included the '216 Application, before DuPont abandoned those certain pending patent applications.

6. That at the time of abandonment of the '216 Application, it was unknown to the undersigned affiant that Invista had an equitable interest therein via the PTIA.

7. That it was never the intention of the undersigned affiant to abandon Invista's right to title and equitable interest in the '216 Application.

8. That the undersigned affiant regrets the error, made unknowingly by the affiant, of failing to notify Invista and offering to assign to Invista title to the '216 Application before abandonment of the same for failure to respond to the Office Action mailed 11 May 2007.

9. Upon information and belief, the undersigned Affiant became aware of Invista's equitable interest in the '216 Application sometime in January of 2008 and notified Invista of the status of the '216 Application.

10. Invista notified the undersigned affiant of its desire for assignment of the '216 Application and it was agreed between counsel for Invista and the undersigned affiant that the undersigned affiant would file this PETITION TO REVIVE the '216 Application and to file a continuation of the '216 application as a Reply to the Office action mailed 11 May 2007.

11. Abandonment of Invista's equitable interest in the '216 Application was a direct result of the undersigned affiant's lack of knowledge of Invista's equitable interest therein and thus the entire delay in filing required reply (in this case a continuation patent application filed on March 31, 2008, which is of even date with this PETITION TO REVIVE, and which has been granted serial number 12/080,116, Filing receipt attached hereto) from the due date until a filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12. Promptly upon grant of this PETITION TO REVIVE DuPont will assign to Invista title to the '216 Application and the continuation application thereof.

13. DuPont has already assigned to Invista foreign counterparts of the '216 Application (CN, EP (FR, DE, GB, IT, NL), JP, KR and TW) to Invista by Assignment executed April 9, 2008.

FURTHER SAYETH AFFAINT NOT.

Arne R. Jarnholm date 5-07-08

Arne R. Jarnholm

Subscribed and Sworn to before me, Kimberly E. Reimer, a notary public in and for the State of Delaware and the county of New Castles this 7 day of May, 2008.

Seal

KIMBERLY E. REIMER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Mar. 16, 2012

Respectfully submitted,

ARNE R. JARNHOLM
ATTORNEY FOR APPLICANTS
Registration No.: 30,396
Telephone: (302) 992-2394
Facsimile: (302) 992-3257

Dated:
Enclosure

MAY 0 7 2008

Notice of Abandonment	Application No. 10/602,216	Applicant(s) SUZUKI ET AL.
	Examiner Norca L. Torres-Velazquez	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 May 2007.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

during a telephonic communication with Arne Jamholm, abandonment of application was confirmed.

/Norca L. Torres-Velazquez/
Primary Examiner, Art Unit 1771

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PAGE 6/12 * RCVD AT 5/7/2008 2:16:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/40 * DNIS:2738300 * CSID:302 992 3257 * DURATION (mm-ss):02-24

RECEIVED
CENTRAL FAX CENTER
MAY 07 2008

PTO/SB/64 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
AD6892USNA

First named inventor: HIROKO SUZUKI, et al.

Application No.: 10/602216 Art Unit: 1771

Filed: June 24, 2003 Examiner: TORRES

Title: MOISTURE-PERMEABLE, WATERPROOF AND WINDPROOF LAMINATED SHEET, INTERLINING USING THE SAME, AND GARMENT CONTAINING THE INTERLINING

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of continuation application (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/64 (10-07)
Approved for use through 10/31/2007. 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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	3-31-08 Date
ARNE R. JARNHOLM Typed or printed name	30,396 Registration Number, if applicable
E. I. DU PONT DE NEMOURS AND COMPANY Address	(302) 992-2394 Telephone Number
Legal Patent Records Center, Barley Mill Plaza 25/1128 Address	
4417 Lancaster Pike, Wilmington, DE 19805 Address	

Enclosures: ☑ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: Continuation application

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

PAGE 12/12 * RCVD AT 5/7/2008 2:16:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/40 * DNIS:2738300 * CSID:302 992 3257 * DURATION (mm-ss):02-24

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 2 5 2005

Technology Center 2100

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of: Yamagami
Application No. 10/602,223
Filed: 23 June 2003
For: THREE DATA CENTER REMOTE COPY SYSTEM

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P.§708.02(VIII)

This is a decision on Aplicant's petition that was filed 31 May 2005 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make special the identified application.

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 Petition to Make Special is **GRANTED,** as all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner 6/17/05
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARTHROCARE CORPORATION
680 VAQUEROS AVENUE
SUNNYVALE CA 94085-3523

COPY MAILED

MAR 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Philip E. Eggers et al	:	
Application No. 10/602,240	:	DECISION GRANTING PETITION
Filed: June 24, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. A-02-10	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and publication fee;(2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of July 24, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, 7th FLOOR
LOS ANGELES CA 90025-1030

COPY MAILED

NOV 17 2006

OFFICE OF PETITIONS

In re Application of
CHAN, et al.
Application No. 10/602,245
Filed: June 23, 2003
Attorney Docket No. 5306P098

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 16, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Marina Portnova and the attorneys of BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP has been revoked by the assignee of the patent application on September 11, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Sam Campbell**
CSA LLP
4807 Spicewood Spring Road
Bldg. 4, Suite 201
Austin, TX 78759

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
10/602,245	06/23/2003	Len Chan	5306P098

CONFIRMATION NO. 1154

OC000000021272028

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 11/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/11/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/602,245	06/23/2003	Len Chan	5306P098

CONFIRMATION NO. 1154

OC000000021272068

60975
CSA LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

Date Mailed: 11/17/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/11/2006.

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.

MONICA A GRAVES
OP (571) 272-7253

ATTORNEY/APPLICANT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-5-05

TO SPE OF : ART UNIT 1711

10602255

SUBJECT : Request for Certificate of Correction on Patent No.: 6875814

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

for NMW

1711

SPE Jim Seidleck **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

SEP 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Berg, et al.	:	
Application No. 10/602,260	:	DECISION ON PETITION
Filed: June 23, 2003	:	TO WITHDRAW
Attorney Docket No. 005306.P091	:	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 222, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Blakely Sololoff Taylor & Zafman has been revoked by the assignee of the patent application on August 21, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CSA LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN TX 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

SMITH MOORE LLP
P.O. BOX 21927
GREENSBORO, NC 27420

COPY MAILED

SEP 2 1 2004

OFFICE OF PETITIONS

In re Application of
McGarvey et al.
Application No. 10/602,264
Filed: June 24, 2003
Attorney Docket No. 5003073-016US2

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 1, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment and ADS, respectively.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant application was filed on June 24, 2003 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

Additionally, the intermediate PCT application was filed within twelve months of provisional Application No. 60/258,270, which was filed on December 27, 2000, for which priority is claimed.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. §§ 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally

delayed claim for priority under 35 U.S.C. §§ 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Paralegal Liana Chase at (703) 306-0482 or at (571) 232-3206 after September 28, 2004.

This application is being forwarded to Technology Center Art Unit 1724 for appropriate action on the amendment submitted July 1, 2004, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed PCT application, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

Frances Hicks

Frances Hicks
Petitions Office
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/14/05

TO SPE OF : ART UNIT 1711

SUBJECT : Request for Certificate of Correction on Patent No.: 6891118

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

SPE

1711
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/9/06

TO SPE OF : ART UNIT 1711

SUBJECT : Request for Certificate of Correction on Patent No.: 6894118

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Note: petition under 1.324

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

SPE

1711
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Williams, et al.	:	
Application No. 10/602,268	:	ON PETITION
Filed: August 6, 2007	:	
Attorney Docket No. 12557-011001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on August 6, 2007, and again on September 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed January 22, 2007. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the application became abandoned on April 23, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

On petition, petitioner paid the petition fee and made the proper statement of unintentional delay. Petitioner submitted an Amendment, together with a Notice of Appeal. The examiner has determined that the Amendment did not *prima facie* place the application in condition for allowance. Accordingly, the Notice of Appeal has been entered.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The matter is being returned to Group Art Unit 1652 to await for applicant's submission of the appeal brief.

Telephone inquiries specific to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

10 JAN 2006

Woods. Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, IL 60661-2511

In re Application of RIECHERS et al. Application No.: 10/602,275 Filed: June 24, 2003 Attorney Docket No.: ABB10010P0114US For: NOVEL CARBOXYLIC ACID DERIVATIVES, THEIR PREPARATION AND USE	:	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 24, 2005 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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 complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 this 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 Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1624 for appropriate action on the amendment filed August 24, 2005 including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the prior-filed applications.

BMilef

Boris Milef
Legal Examiner
Office of Petitions and PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

COPY MAILED

JUN 18 2008

OFFICE OF PETITIONS

In re Application of Flores et al. :
Application No. 10/602,287 :
Filing Date: June 24, 2003 :
Attorney Docket No. BOC9-2003-0013 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.59 filed January 15, 2008, requesting the Office expunge a portion of the application file.

The petition is **granted**.

On January 14, 2008, petitioner filed, as an attachment to declarations under 37 CFR 1.131, a document labeled "Disclosure BOC8-2002-0105" consisting of 9 pages.

Petitioner requests Disclosure BOC8-2002-0105 filed January 14, 2008, be expunged. Petitioner has provided a redacted copy of Disclosure BOC8-2002-0105.

Petitioner has established to the satisfaction of the Office that removal of Disclosure BOC8-2002-0105 filed January 14, 2008, is appropriate. Therefore, the 9 pages of Disclosure BOC8-2002-0105 filed January 14, 2008, have been expunged from the application file.

Petitioner submitted $130 for the petition fee. The fee required for a petition under 37 CFR 1.59 is $200. Therefore, an additional $70 has been charged to petitioner's deposit account.

Technology Center Art Unit 2614 will be informed a decision has been issued in response to the instant decision and the examiner will consider the Request for Continued Examination filed on May 13, 2008, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG - 9 2007

CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN TX 78758

In re Application of: Jacobs et al	:	
Application No. 10/602,291	:	Decision on Petition
Filed: June 24, 2003	:	
Attorney Docket No. NEC0252US	:	
	:	

This is a decision on the petition filed under 37 C.F.R. § 1.48 (a)(2) on March 30, 2006 to correct inventorship.

The petition is GRANTED.

37 C.F.R. § 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

§ 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.
(a) Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. If the nonprovisional application is involved in an interference, the amendment must comply with the requirements of this section and must be accompanied by a motion under § 1.634. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;
(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
(4) The processing fee set forth in § 1.17(i); and
(5) 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).

Petitioner has complied with all the above requirements by submitting the required documents in conjunction with the processing fee to correct inventorship.

The inventorship will be corrected by: deleting inventor Elizabeth A. Dauch.

The application file will be forwarded to the Technical Support staff for Technology Center 2800 for entry of the correction of inventorship.

Inquiries regarding this decision should be directed to Michael Lebentritt at (571) 272-1873.

Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 3 2004

DCM

In re Application of Selvamanickam Serial Number: 10/602,294 Filed: June 23, 2003 For: HIGH THROUGHPUT CONTINUOUS PULSED LASER DEPOSITION PROCESS AND APPARATUS	PETITION UNDER M.P.E.P.708.02 IX

This is in response to the petition filed February 12, 2004, requesting that the above-identified application be granted Special Status under Section 708.02 IX of the MPEP and 37 CFR 1.102 (b) **(no fee required)**.

The request for Special Status considered under Section 708.02 IX of the MPEP is granted because criteria under 37 CFR 1.102(b) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Serle Mosoff
KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

COPY MAILED

MAY 1 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Venkat Selvamanickam et al.	:	
Application No. 10/602,294	:	ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. SPP 18.815	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed April 28, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 29, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

The Amendment submitted to the Examiner on November 2, 2006 failed to place the above-identified application in prima facie condition for allowance. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application.

The Advisory Action issued by the Examiner is enclosed.

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 Terri Williams (571) 272-2991.

Liana Walsh
Petitions Examiner
Office of Petitions

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/602,294	Applicant(s) SELVAMANICKAM ET AL.
	Examiner Karla Moore	Art Unit 1763

RECEIVED MAY 0 2 2007 OFFICE OF PETITIONS

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

KARLA MOORE
PRIMARY EXAMINER
Art Unit 1763
30 April 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

COPY MAILED

APR 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Venkat Selvamanickam et al.	:	
Application No. 10/602,294	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. SPP 18.815	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2007, 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 April 28, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (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). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 29, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1763 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

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

CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN TX 78758

MAILED

MAR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Rose et al.	:	
Application No. 10/602307	:	ON PETITION FOR
Filing or 371(c) Date: 06/24/2003	:	REVIEW OF
Attorney Docket No.	:	PATENT TERM ADJUSTMENT
CIS0199US	:	

This is in response to the PETITION FOR REVIEW OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b), filed November 24, 2009. Applicant submits that the correct patent term adjustment for the present application is 1134 days, not 906 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 as an application for patent term adjustment 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 Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL R. BROWNSTONE
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 940041

MAILED

MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Forstall et al.	:	DECISION ON PETITION
Application No. 10/602,335	:	TO WITHDRAW
Filed: June 23, 2003	:	FROM RECORD
Attorney Docket No. 18962-034001	:	

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 16, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on September 6, 2006 the power of attorney to Fenwick & West LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Fish & Richardson P.C.
PO Box 1022
Minneapolis MN 55440-1022

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

COPY MAILED

APR 2 5 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Datta et al. :
Application No. 10/602,338 :
Filed: June 24, 2003 :
Attorney Docket No. ETH1685CIP :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 14, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed September 29, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 30, 2003. A Notice of Abandonment was mailed on November 2, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
2421 N.W. 41ST STREET
SUITE A-1
GAINESVILLE FL 32606-6669

COPY MAILED

APR 2 3 2004

OFFICE OF PETITIONS

In re Application of Carrie Haskell-Luevano Application No. 10/602,394 Filed: June 23, 2003 Attorney Docket No. UF-375 Title: NOVEL MELANOCORTIN RECEPTOR TEMPLATES, PEPTIDES, AND USE THEREOF	DECISION ON PETITION UNDER 37 C.F.R. §1.182

BACKGROUND

This is a decision on the petition under 37 C.F.R. §1.182, filed February 13, 2004, requesting that the executed declaration associated with the above-identified application be accepted as timely filed, and that the petition fee be waived.

The above-identified application was deposited on June 23, 2003, listing Carrie Haskell-Luevano as the sole inventor, with a declaration which was not executed. On September 8, 2003, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice), requiring an executed oath or declaration in compliance with §1.63 and a $65 surcharge for its late filing. This Notice set a two-month period for reply.

With the instant petition, Petitioner has submitted a declaration which has been executed by the sole inventor along with the surcharge associated with the late submission of the same, a declaration of facts, an assertion that the notice was not received, and a request to have the petition fee waived and the declaration considered timely filed.

THE RELEVANT SECTION OF THE MPEP

MPEP 711.03(c) states, in part:

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 stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

Regarding Petitioner's request that the declaration be considered to have been timely filed, this request cannot be granted, for the following reasons.

Petitioner has submitted a declaration of facts which asserts that a partner in the Petitioner's law firm has reviewed the docket report, and that the notice was not received. First, it is noted that the declarant states that he has reviewed the docket report, but he does not set forth that the notice does not appear on the docket report. Secondly, the statement does not make any reference to any search of the file jacket which corresponds to the instant application. Third, the declarant has not set forth that he has searched the place where this notice would normally be kept, had it been received. Fourth, a copy of the docket record where the non-received notice would have been entered had it been received and docketed has not been attached to the declarant's statement. Fifth, Petitioner has not included a copy of the file jacket associated with this application.

Even if Petitioner were to establish that the notice was not received, the executed declaration would not be considered timely filed, as the executed declaration was due on filing. The application was filed on June 23, 2003, and the executed declaration was not submitted until almost eight months later. A review of the electronic record shows that the declaration submitted on filing was not an executed declaration. As such, an acceptable declaration was not timely filed, and the Office will not determine that a declaration was properly submitted on filing when it is clear that such is not the case.

Regarding the waiver of the petition fee, the request cannot be granted, as petition fees are jurisdictional. Petitioner will note that the last sentence of 37 C.F.R. §1.182 specifically sets forth "Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h)." As such, the petition fee of $130 has been charged to Petitioner's Deposit Account, as authorized in the petition, along with the surcharge associated with the late submission of an oath or declaration.

The declaration submitted with the instant petition will not be entered until either the petition under 37 C.F.R. §.182 is granted or the Petitioner corrects the deficiencies noted in the second paragraph of this section of the decision.

CONCLUSION

For these reasons, the petition under 37 CFR 1.182 is dismissed.

Petitioner is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the above-noted deficiencies. Any reply should be entitled "Renewed Petition Under 37 C.F.R. §1.182," and should only address the deficiencies noted above. **Failure to respond will result in abandonment of the application**.

Any extensions of time will be governed by 37 C.F.R. §1.136(a). Extensions of time under 37 CFR §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 CFR §1.182". This is not a final agency action within the meaning of 5 U.S.C 704.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process within the PTO can take as much as three weeks.

The application file will be retained in the Office of Petitions for two (2) months.

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
2421 N.W. 41ST STREET
SUITE A-1
GAINESVILLE FL 32606-6669

COPY MAILED
AUG 3 1 2004
OFFICE OF PETITIONS

In re Application of Carrie Haskell-Luevano Application No. 10/602,394 Filed: June 23, 2003 Attorney Docket No. UF-375 Title: NOVEL MELANOCORTIN RECEPTOR TEMPLATES, PEPTIDES, AND USE THEREOF	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.182

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed June 8, 2004, requesting that the extension of time fee associated with the submission of an executed declaration be waived.

The above-identified application was deposited on June 23, 2003, listing Carrie Haskell-Luevano as the sole inventor, with a declaration which was not executed. On September 8, 2003, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice), requiring an executed oath or declaration in compliance with §1.63 and a $65 surcharge for its late filing. This Notice set a two-month period for reply.

The original petition was submitted February 13, 2004, asserted that the notice was not received, and requested that the requirement to file a four-month extension of time be waived. This petition was dismissed via the mailing of a decision on April 23, 2004, for failing to establish that the mailing was not received.

With the renewed petition, Petitioner has submitted the evidence required to provide a showing that the notice was not received.

The petition is **GRANTED**. The requirement to file a four-month extension of time is hereby waived.

After the mailing of this decision, the application will be forwarded to Technology Center 1600.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJr: 01-06

Paper No: __

WATTS, HOFFMANN,
FISHER & HEINKE CO., L.P.A.
1100 Superior Ave., Ste. 1750
Cleveland OH 44114

COPY MAILED
JAN 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Kovach	:	
Application No. 10/602,406	:	DECISION ON PETITION
Filed: 23 June, 2003	:	
Attorney Docket No. 16-343	:	

This is a decision on the petition filed on 29 April, 2005, as a request to withdraw the holding of abandonment, and so considered under 37 C.F.R. §1.181.

For the reasons set forth below the petition under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- it appeared that Petitioner failed to reply timely and properly to a 12 August, 2004, non-final Office action with reply due absent extension of time on or before 12 November, 2004;
- the Office mailed a Notice of Abandonment on 15 April, 2005;
- Petitioner responded on 29 April, 2005, with, *inter alia*, (a) the instant petition; (b) a copy of an Amendment and Amendment transmittal bearing certificates of mailing of 12 November, 2004, and so constituting Petitioner's reply to the Office action; and (c) a date stamped receipt card evidencing Office receipt of the reply on 15 November, 2004.

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).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

As to a Request to Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal

---

[1] 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.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] 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.

of a holding of abandonment.[7] (See: the commentary set forth at MPEP §711.03(c).)

Petitioner has evidenced timely submission of a reply to the 12 August, 2004, non-final Office action.

Thus, Petitioner has satisfied the showing required under Delgar and thus to be considered under the provisions of 37 C.F.R. §1.181.

CONCLUSION

The petition(s) under 37 C.F.R.§1.181 is **granted**; fees are waived and none were charged, and the 5 April, 2005, Notice of Abandonment is **vacated**.

The instant file is released to Technology Center 3700 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

OIPE IAP57
JUN 1 5 2009
PATENT & TRADEMARK OFFICE

CONSIDERED: /J.C./ 10/602438 10602438 - GAU: 2162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan D. Goldstein et al.
Patent No.: 6,941,315
Issue Date: Sep. 6, 2005
Customer No.: 22971

Examiner: Corrielus, Jean M
Group Art Unit: 2162
Confirmation No.: 9407
Docket No: 302350.01

Title: MULTIDIMENSIONAL DATA OBJECT SEARCHING USING BIT VECTOR INDICES

Attn: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
JUN 1 7 2009
of Correction

We are transmitting herewith the attached:

X Authorization to charge the Certificate of Correction fee of $100.00 to the Deposit Account No. **50-0463.**
X Request for Certificate of Correction (1 pg.).
X Certificate of Correction Form - PTO-1050 (1 pg.)
X A return postcard.

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0463.

Customer Number: 22971

By__/Henry Gabryjelski/___
Attorney Name: Henry Gabryjelski
Reg. No.: 62828

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 11th day of June 2009.

Christine Hartness
Christine Hartness

OIPE
JUN 1 5 2009
PATENT & TRADEMARK OFFICE

CONSIDERED: /J.C./

10602438 - GAU: 2162

Patent 6,941,315

PATENT

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan D. Goldstein et al.

Examiner: Corrielus, Jean M.

Patent No.: 6,941,315

Group Art Unit: 2162

Issue Date: Sep. 6, 2005

Confirmation No.: 9407

Customer No.: 22971

Docket No: 302350.01

Title: MULTIDIMENSIONAL DATA OBJECT SEARCHING USING BIT VECTOR INDICES

REQUEST FOR CERTIFICATION OF CORRECTION

Attn: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. Two copies of the text of the Certificate in the suggested form are enclosed.

Pursuant to 1.20(a), the examiner is authorized to charge the Certificate of Correction fee of $100.00 to the Deposit Account No. **50-0463**.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

The Examiner is authorized to charge any additional fees or credit overpayment to Deposit Account No. **50-0463.**

Respectfully submitted,

Customer Number: 22971

Date March 27, 2009

By /Henry Gabryjelski/
Attorney Name: Henry Gabryjelski
Reg. No.: 62828

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 11th day of June 2009.

Christine Hartness
Christine Hartness

06/16/2009 MGEBREM1 00000039 500463 6941315
01 FC:1811 100.00 DA

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,941,315

DATED : Sep. 6, 2005

INVENTOR(S) : Jonathan D. Goldstein et al.

It is certified that error appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page, in field (56), under "Other Publications" in column 2, line 10, delete "Glsli" and insert - - Gisli - -, therefor.

On page 2, in field (56), under "Other Publications" in column 1, lines 9-10, delete "Qantitative" and insert - - Quantitative - -, therefor.

In column 7, line 57, after "respect" delete "s".

In column 12, line 24, In Claim 4, after "interval" insert - - . - -.

In column 12, line 48, in Claim 9, delete "claim 8" and insert - - claim 7 - -, therefor.

In column 12, line 57, in Claim 11, delete "claim 7" and insert - - claim 6 - -, therefor.

In column 13, line 3, in claim 14, delete "FirstIDsj" and insert - - $FirstIDs_j$ - -, therefor.

In column 13, line 3, in claim 14, after "where" delete "FirstIDsj" and insert - - $FirstIDs_j$ - -, therefor.

In column 14, line 3, in Claim 15, delete "RemainingIDsj" and insert - - $RemainingIDs_j$ - -, therefor.

In column 14, line 3, in Claim 15, after "m]" delete "=" and insert - - + - -, therefor.

In column 14, lines 3-4, in Claim 15, after "where" delete "RemainingIDsj" and insert - - $RemainingIDs_j$ - -, therefor.

MAILING ADDRESS OF SENDER:

CPA Global
P.O. Box 52050
Minneapolis, MN 55402

Atty Docket No: 302350.01

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/26/09

TO SPE OF : ART UNIT 2162

SUBJECT : Request for Certificate of Correction for Appl. No.: 10602438 Patent No.: 6941315 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 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: The amendment in the COCIN document filed on June 15, 2009 has not the scope of the claims

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVE THORNE
3315 GRAND AVE.
OAKLAND CA 94610

COPY MAILED
MAY 11 2006
OFFICE OF PETITIONS

In re Application of
Steve Thorne et al.
Application No. 10/602,451
Filed: June 24, 2003
Title of Invention: SPEED-MONITORING RADAR-ACTIVATED BRAKE LIGHT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 8, 2005 for failure to timely file a reply to the final Office action mailed April 7, 2005, which set a three (3) month shortened statutory period for reply. An Advisory Action was mailed October 12, 2005 advised that the response filed September 6, 2005 did not place the application in condition for Allowance. Accordingly, a Notice of Abandonment was mailed January 6, 2006.

In response thereof, the Notice of Appeal filed January 9, 2006 has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

Additionally, the record reveals that a Terminal Disclaimer was filed with the instant petition. The terminal disclaimer however, will not be entered since the application was filed after June 8, 1995 and a terminal disclaimer is not required. In view thereof, the $65 fee paid for the terminal disclaimer will be refunded in due course.

This matter is being referred to Technology Center 3661 for processing of the Notice of Appeal.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE Feild

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/602,453

Paper No.: _____

DATE : 2/2/06

TO SPE OF : ART UNIT 2835

SUBJECT : Request for Certificate of Correction on Patent No.: 6970352

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Lamonte M. Newsome
Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
SPE

2835
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

COPY MAILED

DEC 11 2006

OFFICE OF PETITIONS

In re Application of	:	
McClary et al.	:	DECISION ON PETITION
Application No. 10/602,461	:	
Filed: June 23, 2003	:	
Attorney Docket No. 4906P114	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.81(a)" filed September 25, 2006 and resubmitted October 25, 2006.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed February 1, 2006. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). No reply considered received and no extension obtained, the above-identified application became abandoned on May 2, 2006. A Notice of Abandonment was mailed on September 28, 2006.

Prior to the Notice of Abandonment being mailed, on September 25, 2006, applicants filed a petition to have their response considered timely filed pursuant to 37 CFR 1.8(b). After the mailing of the Notice, applicants resubmitted the petition. Petitioner requests withdrawal of the holding of abandonment on the basis that the reply was timely filed with a certificate of mailing dated March 22, 2006. In support thereof, petitioner submits a copy of the response as filed, including a certificate of mailing and a Statement of Attestation under 37 CFR 1.8(b)(3) by Melissa Stead, the individual responsible for mailing the reply.

37 CFR 1.8(b) provides that:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

On instant petition, petitioner has satisfied the requirements of §1.8(b) to have the response considered timely filed by virtue of the certificate of mailing dated March 22, 2006.

Accordingly, the Notice of Abandonment mailed September 28, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2116 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment and for the examiner to consider the response to the Office action resubmitted on petition filed October 25, 2006.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DCM

JUL 20 2004

In re Application of Selvamanickam Serial Number: 10/602,467 Filed: June 23, 2003 For: APPARATUS FOR HIGH-THROUGHPUT ION BEAM-ASSISTED DEPOSITION (IBAD)	: : : : : :	PETITION UNDER M.P.E.P.708.02 IX

This is in response to the petition filed February 12, 2004, requesting that the above-identified application be granted Special Status under Section 708.02 IX of the MPEP and 37 CFR 1.102 (b) **(no fee required)**.

The request for Special Status considered under Section 708.02 IX of the MPEP is granted because criteria under 37 CFR 1.102(b) has been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Serle Mosoff
KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUL 2 2 2004

DCM

In re Application of Selvamanickam, Venkat et al. Serial Number: 10/602,468 Filed: June 23, 2003 For: METALORGANIC CHEMICAL VAPOR DEPOSITION (MOCVD) PROCESS AND APPARATUS TO PRODUCE MULTI-LAYER HIGH-TEMPERATURE SUPERCONDUCTING (HTS) COATED TAPE	:	PETITION UNDER M.P.E.P.708.02 IX

This is in response to the petition filed February 12, 2004, requesting that the above-identified application be granted Special Status under Section 708.02 IX of the MPEP and 37 CFR 1.102 (b) **(no fee required)**.

The request for Special Status considered under Section 708.02 IX of the MPEP is granted because the criteria under 37 CFR 1.102(b) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Serle Mosoff
KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEAGATE TECHNOLOGY C/O MOFO SF
425 MARKET STREET
SAN FRANCISCO, CA 94105

COPY MAILED

SEP 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeffry A. LeBlanc, et al.	:	
Application No. 10/602,471	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. 146712016900	:	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 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Seagate Technology has been revoked by the assignee of the patent application on July 30, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STEPHEN C. DURANT
NOVAK, DRUCE & QUIGG, LLP
SPEAR STREET TOWER – 35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J. MIKE AMERSON
WILLIAMS, MORGAN & AMERSON
SUITE 1100
10333 RICHMOND
HOUSTON TX 77042

COPY MAILED

AUG 1 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Michael Friedemann et al	:	
Application No. 10/602,484	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 2000.106000	:	

This is a decision on the petition, filed August 10, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 12, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 2812 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST, LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

COPY MAILED

AUG 09 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Michael C. Stewart, et. al.	:
Application No. 10/602,490	:
Filed: June 23, 2003	:
Attorney Docket No. 80121-07311	:

This is a decision on the petition under 37 CFR 1.137(b), on December 12, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Restriction Requirement mailed on May 4, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) an election; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3734, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ANTHONY DELAS
16306 LILAC LANE
LOS GATOS CA 95032

COPY MAILED

APR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Hanabusa, et al.
Application No. 10/602,506
Filed: June 24, 2003
Attorney Docket No. 2002-123
For: ATTACK DETERRENT AND ATTACKER IDENTIFICATION SYSTEM

DECISION ON PETITION

This is a decision on the petition filed December 10, 2003 requesting that Figures 35-38 be accorded a filing date of June 24, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on June 24, 2003. On October 14, 2003, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (Notice) informing petitioners, *inter alia*, that Figures 35-38, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 35-38 be accorded a filing date of June 24, 2003 on the basis that 21 sheets of drawing figures, including Figures 35-38, were received in the Patent and Trademark Office (PTO) on June 24, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 24, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 21 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 21 sheets of drawing figures were filed on June 24, 2003. MPEP 503. A review of the application file reveals that there are only 20 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The $130.00 petition fee will be credited to petitioners' credit card.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **June 24, 2003**, using the copy of Figures 35-38 submitted with the instant petition. Office records will be corrected to show that 21 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATE PIERCE & BAIRD
215 SOUTH STATE STREET, SUITE 550
PARKSIDE TOWER
SALT LAKE CITY, UT 84111

COPY MAILED

FEB 06 2007

OFFICE OF PETITIONS

In re Patent No. 7,037,060	:	
Issue Date: May 2, 2006	:	
Application No. 10/602,534	:	DECISION DISMISSING PETITION
Filed: June 23, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2863-2-1-3	:	

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed December 12, 2006, seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 09/558,307, filed April 25, 2000, and provisional Application No. 60/156,042, filed September 24, 1999, by way of a Certificate of Correction.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional and provisional applications was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) and further failed to include a proper reference to the prior-filed applications as required by 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) and 37 CFR 1.78(a)(5)(i) and (iii).

This case was filed June 23, 2003. Therefore, since this case was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed **nonprovisional** application after issuance of the application into a patent. *See* MPEP 1481.03.

A petition for acceptance of a claim for late priority 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) and (iii) 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.

This petition fails to satisfy item (1) above. In this regard, 37 CR 1.78(a)(5)(ii) requires that a claim for benefit of priority to a prior-filed provisional application must be submitted during the pendency of the application. A Certificate of Correction is not a valid mechanism for adding or correcting a priority claim under 35 U.S.C. § 119(e) after a patent has been granted on an application filed on or after November 29, 2000. *See* MPEP 1481.03. Therefore, as this application matured into Patent No. 7,037,060 on May 2, 2006, a claim for benefit of priority to the above-noted provisional application cannot now be added by way of a Certificate of Correction.

In view of the above, a renewed petition under 37 CFR 1.78(a)(3), along with a Certificate of Correction which deletes reference to provisional Application No. 60/156,042, must be submitted, if it is desired to still claim benefit of priority to nonprovisional Application No. 09/558,307.

Petitioner may wish to file a reissue application if it is desired to claim benefit of priority to provisional Application No. 60/156,042. *See* MPEP 1402.

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) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

Conferree: Joni Chang

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATE PIERCE & BAIRD
175 SOUTH MAIN STREET, SUITE 1250
SALT LAKE CITY UT 84111

COPY MAILED

MAR 17 2008

OFFICE OF PETITIONS

In re Patent No. 7,037,060	:
Issue Date: May 2, 2006	: DECISION ON PETITION
Application No. 10/602,534	: UNDER 37 CFR 1.78(a)(3)
Filed: June 23, 2003	:
Attorney Docket No. 2863.2.1.3	:

This is a decision on the corrected petition under 37 CFR 1.78(a)(3), filed November 1, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 09/558,307, filed April 25, 2000, by way of a certificate of correction filed concurrently herewith.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Application no. 10/602,534 which was filed after November 29, 2000, matured into Patent No. 7,037,060 on May 2, 2006. The claim for the benefit of priority to a prior-filed nonprovisional application was submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR

1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in a certificate of correction, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

This application is being forwarded to the Certificates of Corrections branch for an issuance of a certificate of correction noting the priority claim to prior filed application 09/558,307 filed April 25, 2000, which matured into Patent No. 6,390,747 on May 21, 2002.

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. Any questions regarding the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/602,534	06/23/2003	3677	750	2863.2.1.3	20	3

CONFIRMATION NO. 1743

CORRECTED FILING RECEIPT

28049
PATE PIERCE & BAIRD
175 SOUTH MAIN STREET, SUITE 1250
SALT LAKE CITY, UT 84111

OC000000028847942

Date Mailed: 03/14/2008

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Alfred Commins, Friday Harbor, WA;

Power of Attorney: The patent practitioners associated with Customer Number 21552

Domestic Priority data as claimed by applicant

This application is a CON of 10/146,531 05/15/2002 PAT 6,585,469
which is a CON of 09/558,307 04/25/2000 PAT 6,390,747
which claims benefit of 60/156,042 09/24/1999

Foreign Applications

If Required, Foreign Filing License Granted: 09/09/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/602,534**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SHRINKAGE COMPENSATOR FOR BUILDING TIEDOWNS

Preliminary Class

411

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).

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,037,060

APPLICATION NO.: 10/602,534

ISSUE DATE : May 2, 2006

INVENTOR(S) : Alfred D. Commins

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 1, line 6, the recitation of priority should read --This application is a continuation of U.S. Patent Application Serial No. 10/146,531 filed on May 15, 2002, which is a continuation of U.S. Patent Application Serial No. 09/558,307 filed on April 25, 2000.--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 9 2007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-13-08

Paper No.: ____

TO SPE OF : ART UNIT 3600

SUBJECT : Request for Certificate of Correction on Patent No.: 7037060 (10/602534)

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Second 306 sent to you, please reply A/S/A/P. This one is Consideration

E.J.

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 124

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:

Petition Granted

SPE

3677
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, N.W.
WASHINGTON DC 20001

COPY MAILED
APR 11 2008
OFFICE OF PETITIONS

In re Patent No. 7,232,565	:	
Issue Date: June 19, 2007	:	
Application No. 10/602,546	:	ON PETITION
Filed: June 23, 2003	:	
Assignee(s): Joan M. Henson et al	:	

This is a decision on the petition, filed August 7, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name.

The request is **DISMISSED**.

Petitioner states that the correct assignee's names are "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" and that the second assignee's name was not included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" 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 "MONTANA STATE UNIVERSITY" and "GOVERNMENT OF THE UNITED STATES OF AMERICA, REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR" was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

A decision on the petition under 37 CFR 1.182, filed with the instant petition to reprint the front page of the letters patent will be held in abeyance until receipt of a Certificate of Correction with fee ($100).

As to the matter under 37 CFR § 1.28(c):

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The 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.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

COOLEY GODWARD KRONISH LLP
1200 19TH STREET, N.W. 5TH FLOOR
WASHINGTON, D.C. 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 0 8 2008

OFFICE OF PETITIONS

COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON DC 20001

In re Patent No. 7,232,565	:	
Issue Date: June 19, 2007	:	
Application No. 10/602,546	:	DECISION ON PETITION
Filed: June 23, 2003	:	
Attorney Docket No. MONT-059/01US 306509-2212	:	

This is a decision on the renewed petition filed May 21, 2008, under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to reprint the assignee's name on the front page of the Letters Patent.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED**.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

> "Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above, and since the desired correction of the assignee's name can be effected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

However the USPTO will reprint the front page of the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182
2. Payment of a $400 petition fee
3. Payment of a $100 fee to place a certificate of correction in the USPTO archives

Since petitioner has met the conditions noted above, the front page of the Letters Patent will be reprinted to include the assignee's name.

Petitioner is advised that the reprinted Letters Patent granted by this petition is the only one which will reflect the correction of the assignee's name on the front page. All other copies of the patent will reflect the correction of the assignee's name by the presence of a certificate of correction in Office records.

The file is being referred to the Certificates of Correction Branch for appropriate processing of a certificate of correction to be placed in the archives of the USPTO and for reprinting the front page of the original Letters Patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- . Telephone inquiries regarding the reprinting of the front page of the Letters Patent should be directed to Krystal Paige in the Office of Data Management at (703) 308-9250, Ext. 139.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RANDALL B. BATEMAN
BATEMAN IP LAW GROUP
8 EAST BROADWAY, SUITE 550
PO BOX 1319
SALT LAKE CITY UT 84110

COPY MAILED

APR 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Kyle Bateman et al	:	
Application No. 10/602,547	:	DECISION GRANTING PETITION
Filed: June 24, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2280.ACTI.NP	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 15, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3641 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.*

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

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

Mail Date: 04/21/2010

Applicant	: Thomas A. Makowski	: DECISION ON REQUEST FOR
Patent Number	: 7631295	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/602,553	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1453** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

Mail Date: 05/18/2010

Applicant : Thomas A. Makowski
Patent Number : 7631295
Issue Date : 12/08/2009
Application No : 10/602,553
Filed : 06/24/2003

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1495** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

Mail Date: 04/21/2010

Applicant	: Thomas A. Makowski	: DECISION ON REQUEST FOR
Patent Number	: 7603652	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/602,557	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1043** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

In re Patent No. 7001108
Issue Date: February 21,2006
Application No. 10602567
Filed: June 24,2003
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed April 20,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 20,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7001108	2006-02-21	10602567	2003-06-24	F5153-00001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Gregory M. Luck/	Date (YYYY-MM-DD)	2010-04-20
Name	Gregory M. Luck	Registration Number	32770

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106
MILPITAS, CA 95035

COPY MAILED

NOV 3 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Mikhail L. Grinchuk et al	:	
Application No. 10/602,570	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 01-1060/L13.12-0207	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 21, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue/publication fees in a timely manner in reply to the Notice of Allowance mailed June 16, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 17, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue/publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue/publication fees are accepted as having been unintentional delayed.

The change of correspondence address filed October 21, 2005 is entered and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

COPY MAILED

AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of :
Kwitkowski et al. :
Application No. 10/602,586 :
Filed: June 24, 2003 : DECISION ON PETITION
Attorney Docket No.: :
038712/264882 :

This is a decision on the Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed July 23, 2004.

The application was filed on June 24, 2003. However, on July 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter ("Notice"), stating that the application had been accorded a filing date; however, pages 8 and 9 of the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that pages 8 and 9 of the specification were included among 10 pages of specification originally filed with the application on June 24, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 10 pages of specification on June 24, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 10 pages of specification on June 24, 2003. Petitioner has also re-submitted pages 8 and 9 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the

Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of pages 8 and 9 of the specification, supplied with the instant petition on July 23, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 16-0605 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of June 24, 2003, and an indication that pages 8 and 9 of the specification were included among 10 pages of specification originally filed with the application on June 24, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/27/2010

Applicant	: Steven E. Tivey	: DECISION ON REQUEST FOR
Patent Number	: 7596501	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/602,592	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED
APR 24 2006
OFFICE OF PETITIONS

In re Application of :
Hideharu Takeshima et al :
Application No. 10/602,598 :
Filed: June 25, 2003 :
Attorney Docket No. 239480US0DIV :

ON PETITION

This is a decision on the petition, filed April 21, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 11, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2627 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MAIL

FEB 13 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, McCLELLAND, MAIER
& NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of
Katsushi Ikeuchi, *et al.*
Serial No.: 10/602,600
Filed: June 25,2003
For: **IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD, AND IMAGE PROCESSING PROGRAM**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.183 filed October 27, 2005, which is being treated as a petition under 37 C.F.R. § 1.84(a)(2), requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 5A-5C, 8A-8D, 9A-9E, 10A-10D be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The application file is being forwarded to the Group technical support staff for entry of the proposed amendment filed with this petition. From there, the application file will be forwarded to Drafting Division, Drawing Review Branch for review of the drawing figures in light of this decision.

The petition is GRANTED.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED
MAY 12 2005
Technology Center 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: Hiraga, et al.
Application No. 10/602,621
Filed: June 25, 2003
For: METHOD AND APPARATUS FOR MANAGING A DATABASE AND PROCESSING PROGRAM THEREFOR

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 21 March 2005, 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 **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. §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.

The petition filed 21 March 2005 fails to adequately meet requirement (e) of the criteria set forth above. 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 of the references is confusing. Petitioner states that the references "fail to disclose or suggest authorizing data insertion and access to data in a database, if access attribute information is an insert-only attribute, *and/or* specifying at least an attribute of data update prohibition to the database, *and/or* disabling change of the attribute after the attribute is specified" (emphasis added). I.e., the references fail to disclose at least one of six alternatives. This statement is not a sufficient detailed description. The detailed discussion should be 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. Additionally, the discussion states that all of the independent claims recite at least one of the features identified above and that in particular "claim 8 recites means for, if said database definition request is a first specification of an insert-only attribute". However, the feature recited as not being shown by the references is that of "if access attribute information is an insert-only attribute", not "if said database definition request is a first specification of an insert-only attribute".

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.

Pinchus M. Laufer

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAIL

JUL 2 0 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Hiraga, et al.
Application No. 10/602,621
Filed: June 25, 2003
For: METHOD AND APPARATUS FOR MANAGING A DATABASE AND PROCESSING PROGRAM THEREFOR

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 24 June 2005, 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 renewed petition was filed in response to a dismissal of the original petition filed 21 March 2005.

The original petition was dismissed for failing to meet requirement (e). Specifically, it was noted that the statement provided in the petition purporting to distinguish the claimed subject matter from the references was not sufficient.

The renewed petition identifies a feature of each independent claim (i.e., a first feature of independent claim 1, . . ., a third feature of independent claim 9). In identifying this feature, the discussion states that the references "fail to disclose or suggest [the identified feature] *in combination* with the other limitations recited in the claims" (emphasis added). It is also stated in the discussion of each reference that the reference "does not disclose or suggest" the identified feature for each independent claim "*in combination* with the other limitations recited in each of the independent claims" (emphasis added). In effect, this statement indicates that the *entirety* of the three independent claims is not disclosed by the four references purported to be most closely related. Such a statement normally is not a sufficient detailed description. However, in this case, because the identified feature, and correspondingly the entire claim, in each case contains relatively few limitations, the discussion is sufficient. 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 MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

NOV 22 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

James C. Wray
Suite 300
1493 Chain Bridge Road
McLean, VA 22101

In re Application of: Tamura Application No. 10/602,627 Filed: June 25, 2003 For: SOFTWARE ENGINE FOR MULTIPLE, PARALLEL PROCESSING WITH NEURAL NETWORKS	**DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P.§708.02(IV): APPLICANT'S AGE**

This is a decision on the petition, filed June 7, 2004, under 37 C.F.R. 1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(c), and M.P.E.P. §708.02, Section IV, must include evidence showing that the applicant is 65 years of age or more. Evidence in the form of a birth certificate or applicant's statement is sufficient. There is no fee required for such a petition.

The petition filed June 7, 2004 includes a statement that applicant's age is over 65 yrs., thus the requirements set forth above are met.

The petition is **GRANTED**.

The application is being forwarded to the examiner to be advanced out of turn for examination in accordance with the procedures set forth in M.P.E.P. §708.02 and 37 C.F.R. 1.102.

10/26/04

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 308-0885

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,651	06/25/2003	Marlies Vey	237391US0	1020

22850 7590 02/23/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
CAMERON, ERMA C

ART UNIT	PAPER NUMBER
1762	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 2 2 2005

In re Application of	:	
Marlies Vey, et al.	:	
Serial Number : 10/602,651	:	WITHDRAWAL
Filed : June 25, 2003	:	FROM
For : TUFT AND FILAMENT BINDING	:	ISSUE
IN UNFINISHED CARPET	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee to applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Telephone inquiries may be directed to Shrive Beck at 571-272-1415.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

UNITED STATES DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, S.W.
ATTN: GC-62 (HQ) MS 6F-067
WASHINGTON DC 20585-0162

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Todd et al. :
Application No. 10/602,654 : DECISION ON PETITION
Filed: June 25, 2003 :
Attorney Docket No. S-99,482 :

This is a decision on the petition, filed March 4, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before December 24, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 24, 2007.[1] A supplemental Notice of Allowance and Notice of Allowability was mailed on December 10, 2007.

Petitioner asserts that the Notice dated September 24, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

[1] It is noted that the original Notice of Allowance and Notice of Allowability was not scanned into the record.

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.

This application is being referred to the Technology Center AU 1793 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of September 24, 2007. The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Telephone inquiries concerning this matter 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
www.uspto.gov

UNITED STATES DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, S.W.
ATTN: GC-62 (HQ) MS 6F-067
WASHINGTON DC 20585-0162

COPY MAILED
SEP 19 2008

In re Application of	:	
Todd et al.	:	
Application No. 10/602,654	:	DECISION ON PETITION
Filed: June 25, 2003	:	
Attorney Docket No. S-99,482	:	

This is a decision on the petition, filed June 23, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. Petitioner seeks the re-mailing of a Notice of Allowance and Notice of Allowability.

The petition is **DISMISSED AS MOOT**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before December 24, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 24, 2007.[1] A supplemental Notice of Allowance and Notice of Allowability was mailed on December 10, 2007. A petition under 37 CFR 1.181 was granted on March 25, 2008. Petitioner seeks the re-mailing of a Notice of Allowance and Notice of Allowability.

A review of the record shows that a Notice of Allowance and Notice of Allowability were re-mailed on April 4, 2008. However, the April 4, 2008 mailing failed to set a new reply period as directed in the March 25, 2008 petition decision. Further review of the record shows that on June 20, 2008 a new Notice of Allowance and Notice of Allowability were re-mailed and set a new reply period of September 22, 2008.

It is noted that the issue and publication fees were submitted on June 23, 2008.

This application is being referred to the Office of Data Management for processing into a patent.

[1] It is noted that the original Notice of Allowance and Notice of Allowability was not scanned into the record.

Telephone inquiries concerning this matter 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
www.uspto.gov

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

Deborah Katz
USPTO
600 Dulany Street, MDW 917D
Alexandria, VA 22314

In re Application of	:	
Pierre Charneau et al.	:	
Application No. 10/602,663	:	DECISION ON PETITION
Filed: June 25, 2003	:	TO WITHDRAW
Attorney Docket No. 03495.0199-01	:	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 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 Deborah Katz. Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Finnegan, Henderson, Farabow, Garrett, & Dunner LLP**
901 New York Avenue, NW
Washington DC 20001-4413

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 6/21/06

TO SPE OF : ART UNIT 1661

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/602667 Patent No.: PP15780P2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Virginia Tolbert

Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1661

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALFRED A. STADNICKI
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED

MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Kitchen et al.	:	DECISION ON PETITION
Application No. 10/602,688	:	TO WITHDRAW
Filed: June 25, 2003	:	FROM RECORD
Attorney Docket No. 23952-0032	:	

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 24, 2005.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on August 8, 2005 the power of attorney to Antonelli, Terry, Stout & Kraus, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sutherland II
Sutherland, Asbill & Brennan, LLC
999 Peachtree Street
Atlanta GA 30309

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 26 2004

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
Ling-Wei Ke	:	
Application No.: 10/602,709	:	ON PETITION
Filed: June 25, 2003	:	
Attorney Docket No: **3722-0150P**	:	

This is a decision on the petition under 37 CFR 1.28(c), filed October 5, 2004.

The petition is **GRANTED.**

The record reflects that the fees for the above-cited application were paid at the small entity rate, excluding the issue fee. Petitioner later discovered that the inventive entity did not qualify as a small entity and filed the instant petition, accordingly.

Petitioner has remitted the deficient amount of $415.00.

Pursuant to 37 CFR 1.28(d), the payment of the deficient amount will be treated under 37 CFR 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

The application file will be directed to the Office of Patent Publications for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

APR 1 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Wen-Rung Huang et al	:	
Application No. 10/602,717	:	NOTICE
Filed: June 25, 2003	:	
Attorney Docket No. 4444-0119P	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This application file is referred to Technology Center AU 2812.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-20-08

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/602724 Patent No.: 7157780

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check Ref. Cited

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Ennis Yang

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [x] Approved — All changes apply.
- [ ] Approved in Part — Specify below which changes do not apply.
- [ ] Denied — State the reasons for denial below.

Comments: _____

SUE PURNIS — SPE

2826 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Rosen et al.	:	
Application No. 10/602,727	:	ON APPLICATION FOR
Filed: June 25, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No.PF596PIN	:	

This is in response to the "Application For Patent Term Adjustment Under 37 CFR §1.705(b)," filed March 6, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred (400) days to five hundred ninety-four (594) days.

The application for patent term adjustment is **DISMISSED**.

On December 10, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 400 days. Applicants dispute the four-day reduction for the submission of an Information Disclosure Statement (IDS) on July 11, 2006. Applicants also contend that the Notice to Comply mailed on October 13, 2006 was not a proper response under 35 USC § 154(b)(1)(A)(ii) and 37 CFR §§1.702(a)(2) & 1.703(a)(2) to applicants July 7, 2006 reply.

Applicants contend that a 4-day reduction for the submission of the supplemental reply in the form of an Information Disclosure Statement (IDS) on July 11, 2006 is not warranted. Applicants argue that a complete reply to the March 7, 2006 restriction requirement was submitted on July 7, 2006, thus the submission

of the IDS was not a supplemental paper within the meaning of 37 CFR 1.704(c)(8). Further applicants contend that the submission of the IDS could not have delayed the examiners consideration because the reply was not forwarded to the examiner until July 11, 2006.

A period of reduction of 4 days was properly entered based on 37 CFR 1.704(c)(8). The reduction is not calculated based upon the date the reply is forwarded to the examiner. 37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> > (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

However, 37 CFR 1.704(d) provides that:

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In this instance, after the filing of a response on July 7, 2006, on July 11, 2006, applicants filed a supplemental paper in the form of an IDS. The record supports a conclusion that the IDS was not expressly requested by the examiner. Further, the IDS did not include the §1.704(d) statement. Accordingly, the PTA was properly reduced by 4 days, the number of days beginning on the day after the date the initial reply was filed, July 8, 2006, and ending on the date that the supplemental reply or other such paper was filed, July 11, 2006. As such the 4-day reduction was warranted and will not be removed.

Applicants also contend that instead of a 64-day adjustment a 254-day adjustment is required for the Office taking in excess of four months to reply to the response to the election requirement submitted on July 7, 2006. Applicants contend that the Notice to Comply to the Sequence Listing did not constitute a reply to the response to the restriction requirement. A period of adjustment of 254 days should have been entered based on 37 CFR 1.702(a)(2).

Applicants argument has been considered, but not found persuasive that entry of an additional period for Office delay is warranted.

37 CFR 1.704(c)(7) establishes submission of a reply having an omission (37 CFR 1.135(c)) as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. Submitting a reply having an omission requires the Office to issue an action under 37 CFR 1.135(c) and await and process the applicant's reply to the action under 37 CFR 1.135(c) before the initial reply (as corrected) can be treated on its merits. In addition, 37 CFR 1.704(c)(7) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. The reference to 37 CFR 1.135(c) is parenthetical because 37 CFR 1.704(c)(7) is not limited to Office actions under 37 CFR 1.135(c) but applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected: e.g., (1) a decision on a petition under 37 CFR 1.47 dismissing the petition as lacking an item necessary to grant the petition; or (2) a notice indicating that the computer readable format sequence listing filed in reply to a Notice to Comply with

Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (PTO-1661) does not comply with 37 CFR 1.821 et seq.
In this instance, the Office took action on October 13, 2006 in response to the response to the restriction requirement filed July 7, 2006 mailing an Office action that notified applicant that their response was considered *bonafide* but compliance with the sequence requirements was necessary. This Office communication was mailed within four months of the filing of the response, and thus, does not constitute Office delay. On January 16, 2007, applicants filed their response (which notably included an assertion that the new sequence listing is identical to the sequence listing currently on file, e.g. no omission), but also included an amendment.

It is concluded that the Office delay of 64 days was properly calculated based on the date of mailing of the Office action mailed July 19, 2007 in reply to the response to Notice to Comply filed January 16, 2007. A period of adjustment of 254 days will not be entered and the period of adjustment of 64 days will not be removed.

In view thereof, the determination of PTA at the time of the mailing of the notice of allowance remains FOUR HUNDRED (400) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). 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 of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,601,351	:
Rosen et al.	: DECISION ON REQUEST FOR
Issue Date: October 13, 2009	: RECONSIDERATION OF
Application No. 10/602,727	: PATENT TERM ADJUSTMENT
Filed: June 25, 2003	: AND NOTICE OF INTENT
Attorney Docket No. PF596PIN	: TO ISSUE CERTIFICATE OF
Title: ANTIBODIES AGAINST	: CORRECTION
PROTECTIVE ANTIGEN	:

This is a decision on the petition filed on November 13, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-six (1546) or one thousand five hundred forty-two (1542) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The period of adjustment to which the patent is entitled under 37 CFR 1.702(a) is 722 (559 days + 64 days + 99 days). The Office incorporates by reference the petition decision mailed on August 5, 2009. The decision mailed on August 5, 2009 addressed the issues raised pursuant to 37 CFR 1.705(b). No further consideration will be given to the issues previously addressed.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 1206 days (June 26, 2006 to October 13, 2009 the day the patent issued).

There are one hundred sixty-three (163) days of overlap between 37 CFR 1.702(a) and 37 CFR 1.702(b) 64 days (May 17, 2007 to July 10, 2007) and 99 days (July 7, 2009 to October 13, 2009).

Patentees' calculation does not reflect the reduction of 45 days pursuant to 37 CFR 1.703(b)(4) in connection with the Notice of Appeal filed October 27, 2008. The reduction commenced October 27, 2008; the date that the Notice of Appeal was filed, and ended December 10, 2008, the day the Notice of Allowance was mailed. See, 37 CFR 1.703(b)(4).

In view thereof, the patent is entitled to an overall adjustment of 1497 days (722 days under 37 CFR 1.702(a) + 1206 days under 37 CFR 1.702(b) - 163 overlapping days - 45 days pursuant to 37 CFR 1.703(b)(4) - 223 days of applicant delay).

Petitioner is reminded pursuant to 35 USC 154(b)(4)(a), An applicant dissatisfied with a determination made by the Director under paragraph (3) shall have remedy by a civil action against the Director filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent. Chapter 7 of title 5, United States Code, shall apply to such action.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand four hundred ninety-seven **(1497)** days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,601,351 B1

DATED : **October 13, 2009** **DRAFT**

INVENTOR(S) : Rosen 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 983 days

Delete the phrase "by 983 days" and insert – by 1497 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SCOTT A MOSKOWITZ
16711 COLLINS AVENUE
#2505
MIAMI, FL 33160

Mail Date: 04/21/2010

Applicant	: Scott A. Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7664263	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/602,777	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1891** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/602,796	06/24/2003	3653	825	JHORIAN.001A	11	28	12

CONFIRMATION NO. 1508

CORRECTED FILING RECEIPT

OC000000012033553

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 03/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

James G. Horian, Newport Beach, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/02/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Coin drop mechanism

Preliminary Class

194

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090323

DATE : March 23, 2009

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 10/602,802

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The examiner approves correction.

/NICK CORSARO/
Supervisory Patent Examiner.Art Unit 2617

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/23/08

TO SPE OF : ART UNIT 1734

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/602839 Patent No: 7189299 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1791
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORGAN, LEWIS & BOCKIUS, LLP
2 Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

MAIL

MAY 16 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Partha BHATTACHARYA, et al.
Application No. 10/602,846
Filed: June 23, 2003
For: METHOD AND SYSTEM FOR DETERMINING INTRA-SESSION EVENT CORRELATION ACROSS NETWORK ADDRESS TRANSLATION DEVICES

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed April 12, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

For Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: Chris Palermo
HICKMAN PALERMO TRUONG & BECKER
2055 Gateway Place, Suite 550
San Jose, CA 95110-1089

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

COPY MAILED

JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Yung-Nien Chang	:	
Application No. 10/602,853	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 105576-0065-101	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed November 2, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 3, 2007.

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 $1020 extension of time submitted with the petition on August 31, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being forwarded to Technology Center AU 1633 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Steven E. Tivey	: DECISION ON REQUEST FOR
Patent Number	: 7599842	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/602,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1529** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

COOK GROUP PATENT OFFICE
P.O. BOX 2269
BLOOMINGTON, IN 47402

COPY MAILED

FEB 16 2007

OFFICE OF PETITIONS

In re Application of :
David E. Hartley, et al. :
Application No. 10/602,930 :
Filed: June 24, 2003 :
Attorney Docket No. PA-5332-RFB :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 19, 2005. No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed on July 21, 2006.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3738 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Shunpei Yamazaki	: DECISION ON REQUEST FOR
Patent Number	: 7663305	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/602,980	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **45** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

LAW OFFICES OF DENNIS W. BEECH
Suite C-2
19900 Beach Blvd.
Huntington CA 92648

COPY MAILED

FEB 2 5 2005

OFFICE OF PETITIONS

In re Application of
Juby, et al.
Application No. 10/602,985
Filed: June 24, 2003
Attorney Docket No. N/A
For: METHOD AND SYSTEM FOR TREATING WASTEWATER

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.137(f)

This is a decision on the petition, filed September 16, 2004, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioners state that the instant nonprovisional application is the subject of an application filed under a multilateral international agreement that requires publication of applications 18 months after filing. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. The application published on January 13, 2005.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

This application is being forwarded to Technology Center Art Unit 1724 for consideration of the amendment filed September 20, 2004.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENNIS W. BEECH (LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA, CA 92564-0519

COPY MAILED
NOV 09 2007
OFFICE OF PETITIONS

In re Application of	:	
Graham John Gibson Juby, et. al.	:	
Application No. 10/602,985	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on February 15, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed October 20, 2006. A Notice of Abandonment was mailed on February 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $1,400 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $3 for one (1) advance order soft copy and a change of correspondence address filed on February 15, 2007. Accordingly, the change of correspondence address has been accepted and made of record.

This application file is being referred to the Office of Publications for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 09 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Thomas J. Perkowski, Esq .
Thomas J. Perkowski, Esq. P.C.
Soundview Plaza
1266 East Main Street
Stamford, CT 06902

In re Application of: Thomas J. Perkowski et al. Serial No. 10/602,990 Filed: June 24, 2003 For: INTERNET-BASED BRAND MARKETING COMMUNICATION INSTRUMENTATION NETWORK...	NOTIFICATION OF IDENTIFICATION OF PRIOR ART IN LATE FILED PROTEST UNDER 37 CFR 1.291(a)

The protest filed November 22, 2004 under 37 CFR 1.291 was filed after the October 21, 2004 publication date of the application.

Because the protest was filed after publication of the application, it is untimely and it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy is being discarded in accordance with MPEP 1901.06, Protest Filed After Allowance or Publication of the Application.

If appropriate, applicant may wish to consider submitting prior art from the protest pursuant to 37 CFR 1.97 and 37 CFR 1.56 during the prosecution of the application.

Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SM/SM: 12/6/04

Enclosure: Protest filed under 37 CFR 1.291(a)

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 060809

DATE : 7/10/08

TO SPE OF : ART UNIT 2824 Luu, Pho

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/602991 Patent No.: 6906961

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments: _____

Approved for entry.
Initial: PL
Date: 06/05/2009.

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

6/8/09

SPE

2824

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 20 2006

Albert P. Halluin
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto CA 94304

In re Application of	:
Brennan et al.	:
Serial No.: 10/602,998	: PETITION DECISION
Filed: June 23, 2003	:
Attorney Docket No.: 28690-705.302	:

This is in response to the petition under 37 CFR § 1.181, filed May 25, 2006, requesting that the after final amendment filed on April 24, 2006 be entered into the above referenced application.

BACKGROUND

A review of the file history shows that the examiner mailed a non-final Office action to applicants on April 18, 2005, setting forth a three-month shortened statutory period for reply in which claim 14 was objected to as being an improper dependent claim. Claims 1, 14, and 15 were rejected under 35 USC 102(e) as being anticipated by Boles et al. The examiner also rejected claims 2-13 under 35 USC 103 as obvious over Rava et al. and Boles et al.

Applicants replied on August 12, 2005 and cancelled claim 14 and amended claims 1 and 2. Applicants also traversed both rejections made under 35 USC 102 (e) and 35 USC 103 wherein applicants indicated that the 102 (e) was overcome because of the submitted declarations and the 103 rejection was overcome because the references do not teach the claimed limitations.

In response to applicants' remarks, the examiner mailed a second non-final Office action on September 7, 2005 setting forth a three-month shortened statutory period for reply in which claims 1 and 15 were rejected under 35 USC 102 (b) as being anticipated by Monforte et al. Claims 2-13 were also rejected under 35 USC 103 as being unpatentable over Rava et al. and Monforte et al. taken together.

Applicants replied to this Office action on February 7, 2006 and amended the claims to recite that the primer is adapted to be released before, during or after the amplification reaction.

Applicants also argued that the primers of Monforte et al. can only be cleaved after amplification and, thus, Monforte et al. can neither be used in a 35 USC 102 or 35 USC 103 rejection.

The examiner mailed a final Office action to applicants on February 23, 2006, setting a three month shortened statutory period for reply. The examiner repeated the 35 U.S.C. 102 (b) rejection from the previous Office action. The examiner also repeated the 35 U.S.C. 103 rejection from the previous Office action.

On April 24, 2006, applicants requested reconsideration of the finality of the Office action of February 23, 2006 and amended the claims by deleting the claim language "during or after an" in reference to the amplification reaction.

On May 5, 2006, the examiner mailed an advisory action which stated that the amendment after final would not be entered as the proposed amendment raised new issues and did not simplify the issues for appeal.

In response thereto, applicants filed this petition on May 25, 2006 requesting that the amendment filed on April 24, 2006 be entered into the above referenced application.

DISCUSSION

Applicants' petition that the amendment after final be entered on the basis that the amendment which limits applicants primers to be released before an amplification reaction, was made pursuant to the examiners suggestion given in the final Office action and during the Interview to the effect that Monforte's primers differ from applicants' primers by their ability to be released after the amplification reaction. Applicants also disagree with the statement made by the examiner that their amendment raises new issues that require a further search because a complete search by the examiner would have included primers released before amplification. Finally, applicants argue the amendment narrows the scope of the claims and therefore does reduce the issues for appeal. Applicants' arguments are not persuasive since the remarks made by the examiner in the Interview Summary were not an invitation to amend the claims guaranteeing entry thereof. Also, applicants' claims alternatively set forth the requirement that the sequences be adapted to be released before, during or after. Thus, there was no requirement that the examiner find each adaptation during his search. Finally, the issues for appeal are not reduced at this time as a new search and consideration is necessary as the proposed amendment deletes "during or after" which significantly changes the scope of the claim.

DECISION

The petition is **DENIED**. Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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.

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 25 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Albert P. Halluin
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto CA 94304

In re Application of	:
Brennan et al.	:
Serial No.: 10/602,998	: PETITION DECISION
Filed: June 23, 2003	:
Attorney Docket No.: 28690-705.302	:

This is in response to the renewed petition under 37 CFR § 1.181, filed July 12, 2006, requesting that the after final amendment filed on April 24, 2006 be entered into the above referenced application. The delay in acting upon this petition is regretted.

BACKGROUND

A review of the file history shows that the examiner mailed a non-final Office action to applicants on April 18, 2005, setting forth a three-month shortened statutory period for reply in which claim 14 was objected to as being an improper dependent claim. Claims 1, 14, and 15 were rejected under 35 USC 102(e) as being anticipated by Boles et al. The examiner also rejected claims 2-13 under 35 USC 103 as obvious over Rava et al. and Boles et al.

Applicants replied on August 12, 2005 and cancelled claim 14 and amended claims 1 and 2. Applicants also traversed both rejections made under 35 USC 102 (e) and 35 USC 103 wherein applicants indicated that the 102 (e) was overcome because of the submitted declarations and the 103 rejection was overcome because the references do not teach the claimed limitations.

In response to applicants' remarks, the examiner mailed a second non-final Office action on September 7, 2005 setting forth a three-month shortened statutory period for reply in which claims 1 and 15 were rejected under 35 USC 102 (b) as being anticipated by Monforte et al. Claims 2-13 were also rejected under 35 USC 103 as being unpatentable over Rava et al. and Monforte et al. taken together.

Applicants replied to this Office action on February 7, 2006 and amended the claims to recite that the primer is adapted to be released before, during or after the amplification reaction.

Applicants also argued that the primers of Monforte et al. can only be cleaved after amplification and, thus, Monforte et al. can neither be used in a 35 USC 102 or 35 USC 103 rejection.

The examiner mailed a final Office action to applicants on February 23, 2006, setting a three month shortened statutory period for reply. The examiner repeated the 35 U.S.C. 102 (b) rejection from the previous Office action. The examiner also repeated the 35 U.S.C. 103 rejection from the previous Office action.

On April 24, 2006, applicants requested reconsideration of the finality of the Office action of February 23, 2006 and amended the claims by deleting the claim language "during or after" in reference to the amplification reaction.

On May 5, 2006, the examiner mailed an advisory action which stated that the amendment after final would not be entered as the proposed amendment raised new issues and did not simplify the issues for appeal.

In response thereto, applicants filed a petition on May 25, 2006 requesting that the amendment filed on April 24, 2006 be entered into the above referenced application.

On June 20, 2006, a petition decision was mailed to applicants stating that the petition was denied.

In response thereto, applicants filed this renewed petition on July 12, 2006 asking for reconsideration of the decision of June 20, 2006.

DISCUSSION

Applicants' petitioned the denial of entry of the after final amendment asserting that first the examiner in effect suggested the amendment in the interview, second that a complete search of the previous claim to <u>before, during or after</u> would have included references drawn to each embodiment and third the amendment does reduce the issues for appeal.

The petition for entry was denied because remarks made by the examiner in the Interview Summary were not an invitation to amend the claims guaranteeing entry thereof. Applicants' claims **alternatively** set forth the requirement that the sequences be adapted to be released before, during or after. Thus, there was no requirement that the examiner find each adaptation during his search. Finally, the issues for appeal were not reduced as a new search and consideration would have been necessary as the proposed amendment deletes "during or after" which significantly changes the scope of the claim, as evidenced by the fact that allowing entry of the amendment would have removed Monforte et al. as a reference.

Applicants' continue to argue that the examiner was obligated to search for each of the embodiments recited in the claim and that presented with three alternatives, the examiner is obligated to provide a complete search and examination of the whole scope of the claim.

Applicants' continue by stating that although it is possible for the examiner to use prior art to only one embodiment to reject the claim, it is not acceptable to only search one of the embodiments. This argument is not persuasive for the same reasons set forth in the last petition decision. Specifically, the examiner is under no obligation to search for each and every embodiment set forth **alternatively** in the claims.

DECISION

The petition is again **DENIED**. Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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.

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JUN 16 2004

MAILED
JUN 16 2004
OFFICE OF THE DIRECTOR
TC 3600

GENE SCOTT
PATENT LAW & VENTURE GROUP
3140 Red Hill Avenue
Suite 150
Costa Mesa CA 92626-3440

In re application of	:	**DECISION ON PETITION**
John H. Rudolph	:	**TO MAKE SPECIAL**
Application No. 10/602,999	:	**(APPLICANT'S AGE)**
Filed: June 24, 2003	:	

For: PERMANENT AND INTERCHANGEABLE RIGID AND FLEXIBLE BLADES AFFIXED TO TWO HOOK TANDEM HOOKS AND HOOKMASTERS FOR SIDE TO SIDE VERTICAL OSCILLATING LURES, PIN WEIGHTS PIN FLOATS OPTIONAL WEED GUARD

This is a decision on the petition submitted on February 19, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Mr. Rudolph indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/pav: 5/22/04

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

BUTZEL LONG
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

COPY MAILED
DEC 14 2006
OFFICE OF PETITIONS

In re Patent No. 7,122,024 :
Nakajima et al. :
Issue Date: October 17, 2006 : DECISION ON
Application No. 10/603,008 : PETITION
Filed: June 24, 2003 :
Attorney Docket No.121027-195 :

This is decision on the "PETITION TO PRINT ASSIGNEE NAME ON LETTERS PATENT" filed August 28, 2006, which is properly treated as a request under 37 CFR 3.81(b) for a Certificate of Correction to correct the patent to state the name of the assignee.

The petition is GRANTED.

Petitioner states that after payment of the Issue Fee applicants realized that the assignment from the inventors to UNI-CHARM CORPORATION was not recorded. Petitioner indicates that an assignment for recordation is being submitted contemporaneously via Express Mail.

37 CFR 3.81(b) provides that:

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in

§ 1.20(a)) and the processing fee set forth in § 1.17 (i) of this chapter.

A review of the application history reveals that the Issue Fee transmittal was filed on August 24, 2006. No assignee was named on the transmittal. Assignment records for this application show that the assignment to UNI-CHARM CORPORATION was recorded in the Office on August 28, 2006 (at reel/frame 018242/0753). This was prior to issuance of the patent on October 17, 2006.

In view thereof, issuance of a Certificate of Correction to name the assignee is proper.

Petitioner authorized payment of a petition fee of $400. Payment of the required $130 processing fee and the required $100 certificate of correction fee is acknowledged. The overpayment of $170 is being refunded to petitioner's Deposit Account.

The file is being forwarded to the Certificates of Correction Branch for Issuance of the requested Certificate of Correction.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents

Roger H. Stein
Wallerstein, Wagner & Rockey, LTD.
511 S. Wacker Drive
53rd Floor
Chicago, IL 60606-6630

MAILED

AUG 02 2005
Director's Office
Group 3700

In re Application of	:	
ZUPANCIC ET AL.	:	
Serial No.10/603,018	:	Decision on
Filed June 24, 2003	:	Petition
For: System and Method for Controlling the	:	
Operating Parameters of a Setting System	:	

A Notice of Abandonment for the above-identified application was mailed April 1, 2005. Applicant filed a petition to withdraw the Holding of Abandonment under 37 CFR 1.181 on April 11,2005. In the petition applicant provides a copy of the response filed February 2, 2005, a copy of the extension of time filed February 2, 2005 and a copy of the post card receipt dated February 7, 2005 by the USPTO. Further, upon inspection of the file all papers filed on February 2, 2005 are of record.

In view of the above, the Notice of Abandonment mailed April 1, 2005 is in error. The **Holding of Abandonment is Withdrawn**. This application is being forwarded to the examiner for appropriate action.

Richard A. Bertsch, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Davis	:	
Application No. 10/603,020	:	DECISION ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. DMJ20030531	:	

This is a decision on the petition, filed August 20, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure to timely and properly reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 24, 2006, which set a shortened statutory period for reply of three (3) months. Petitioner obtained a two month extension of time under the provisions of 37 CFR 1.136(a)and filed an amendment after final on August 24, 2006. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the September 26, 2006 Advisory Action. On September 25, 2006 (a Monday) an RCE was filed. However, an additional one month extension of time was not filed on that date. Accordingly, the application became abandoned on August 25, 2006.

Petitioner asserts that the RCE was filed within the 6 month period and that applicant paid the extension of time fee with the original response.

Petitioner is informed that only a two month extension of time had been purchased when the September 25, 2006 RCE was filed. Per 37 CFR 1.23 Method of Payment (b), in pertinent part, " ... Payment of a fee by credit card must specify the amount to be charged to the credit card and

such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card."

The 2 month extension of time paid on August 24, 2006 was paid by credit card. As stated above, there are no general authorizations to charge fees to a credit card. A review of the official file reveals that there is no blanket authorization to charge a deposit account on file and the RCE filed on September 25, 2006 was not accompanied by payment for an additional one month extension of time.

Therefore, the application did become abandoned on August 25, 2006. The RCE was filed after abandonment of the application because it was filed without a one month extension of time on the last possible date to purchase an extension of time. Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Therefore, the error in failure to file a one month extension of time on September 25, 2006 cannot be remedied absent a petition to revive. The petition under 37 CFR 1.181 is DISMISSED.

In a separate petition entitled, "PETITION TO WITHDRAW ABANDONMENT," petitioner argues that the application was unavoidably abandoned and in the alternative unintentionally abandoned. This petition was filed on August 20, 2007, as well. If petitioner wishes consideration under 37 CFR 1.137(a) or 1.137(b), then petitioner must file an appropriate 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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Hooker & Habib, P.C.
Suite 304
100 Chestnut Street
Harrisburg, PA 17101

COPY MAILED
AUG 1 8 2004
OFFICE OF PETITIONS

In re Application of
David Allen Weyandt
Application No. 10/603,031
Filed: June 24, 2003
Attorney Docket No. 1-679

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed August 6, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on March 19, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 30, 2004 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (703) 305-9220.

This application is being forwarded to Technology Center Art Unit 2835 for examination in due course.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Hooker & Habib, P.C.
Suite 304
100 Chestnut Street
Harrisburg PA 17101

COPY MAILED

JAN 08 2007

OFFICE OF PETITIONS

In re Patent No. 6,913,236 :
David A. Weyandt :
Issue Date: July 5, 2005 :
Application No. 10/603,031 :
Filed: June 24, 2003 :
Attorney Docket No. 1-679 :

DECISION ON REQUEST FOR CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR CERTIFICATE OF CORRECTION," filed July 25, 2005, requesting correction of the patent term adjustment indicated in the patent. Patentees request that the patent term adjustment read "22" not "0" days.

The request is **DISMISSED**.

Patentee is given **THIRTY (30) DAYS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

On July 5, 2005, the above-identified application matured into U.S. Patent No. 6,913,236 with a revised patent term adjustment of 0 days. The instant request was filed on July 25, 2005, within two months of the issuance of the patent.

Issuance of a certificate of correction under § 1.322 is permitted if an error in the patent is shown. No error in the patent has been shown. The patent term adjustment indicated in the patent reflects the patent term adjustment shown in the PAIR system for this application. After the mailing of the notice of allowance, the initial PTA of 22 days was reduced by 86 days for applicant's filing of drawings after the mailing of the notice of allowance. See § 1.704(c)(10). Since zero days of PTA is

the correct value for PTA, no certificate of correction will be issued to change the PTA under 37 C.F.R. § 1.322 (or § 1.323).

Patentees are advised that the filing of a certificate of correction is not an alternative to the procedure set forth in 37 CFR § 1.705. Patentees contesting the underlying determination, rather than an alleged printing error, have to avail themselves of the time frames stated in § 1.705(d). Moreover, § 1.705(d), states "any request for reconsideration of the patent term adjustment indicated in the patent must be filed within 2 months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section." Thus, the request must be timely filed and must include payment of the required fee.

Consideration of the accompanying request for correction "In the Claims" is being considered by the Certificates of Correction branch.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

COPY MAILED

DEC 0 2 2009

OFFICE OF PETITIONS

In re Patent No. 6,951,465	:	
Issue Date: October 4, 2005	:	
Application No. 10/603,047	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 49072-109052	:	

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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090210

DATE : February 13, 2009

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction on Patent No.: 7,342,561

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-910
Palm location 7590 - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ Approved — All changes apply.

☐ Approved in Part — Specify below which changes do not apply.

☐ Denied — State the reasons for denial below.

Comments:

SPE: /Bipin Shalwala/ Art Unit 2629

OIPE IAP9
MAY 19 2008
PATENT & TRADEMARK OFFICE

$ COFC

OK to Enter.
VS.
2/10/09

1324.68111

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yasutake Furukoshi	
Serial No.:	10/603,067	
Patent No.:	7,342,561	
Filed:	06/24/2003	
Issued:	03/11/2008	
Conf. No.:	8618	
For:	DRIVING METHOD AND DRIVE CONTROL CIRCUIT OF LIQUID CRYSTAL DISPLAY DEVICE, AND LIQUID CRYSTAL DISPLAY DEVICE INCLUDING THE SAME	
Art Unit:	2629	
Examiner:	Shankar, Vijay	

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Attn: Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

May 14, 2008
Date

Registration No. 41,760
Attorney for Applicant(s)

Certificate
MAY 21 2008
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 322

Attn: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.322, patentees, through their attorneys, respectfully request that a Certificate of Correction be issued in the above-referenced patent.

The errors occurred as a result of mistakes on the part of the Patent and Trademark Office and the changes include the following:

RECEIVED-USPTO
Patent Publication
MAY 21 2008

On the Patent Face:

At the top, just beneath **"United States Patent"**, please delete "Hiraki et al." and insert --Furukoshi et al.--.

Under "Inventors", please delete Katsuyoshi Hiraki and Koichi Katagawa as inventors, pursuant to Petition to Change Inventorship Pursuant to 37 C.F.R. 1.48(b) filed on October 20, 2005, a copy of which is enclosed herewith. The inventors of this patent are as follows:

Inventors: Yasutake Furukoshi, Kawasaki (JP);
Masanori Nishido, Kawasaki (JP);
Tetsuya Kobayashi, Kawasaki (JP)

REMARKS

A Certificate of Correction incorporating the delineated change is enclosed in duplicate herewith. Since the mistakes were on the part of the Patent and Trademark Office, a Certificate of Correction should be issued without expense to the patentee and such is respectfully requested.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By Joseph P. Fox
Joseph P. Fox
Registration No. 41,760

May 14, 2008

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315
Customer No. 24978

RECEIVED-USPTO
Patent Publication
MAY 21 2008

OIPE IAP9
MAY 1 9 2008
PATENT & TRADEMARK OFFICE

1824.68111

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yasutake Furukoshi	)
Serial No.	10/603,067	)
Conf. No.	8618	)
Filed:	June 24, 2003	)
For:	DRIVING METHOD AND DRIVE CONTROL CIRCUIT OF LIQUID…	)
Art Unit:	2673	)
Examiner:	Shankar, Vijay	)

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

COPY

October 20, 2005
Date

Registration No. 41,760
Attorney for Applicant

F-CLASS.WCM
Appr. February 20, 1998

PETITION TO CHANGE INVENTORSHIP
PURSUANT TO 37 C.F.R. 1.48(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Dear Sir:

In the present Application, the inventors are as follows: Katsuyoshi HIRAKI, Yasutake FURUKOSHI, Koichi KATAGAWA, Masanori NISHIDO, and Tetsuya KOBAYASHI. In view of the Election of Species Requirement mailed September 8, 2005, Applicants request deletion of Katsuyoshi HIRAKI, and Koichi KATAGAWA, who are not inventors of the invention now being claimed.

RECEIVED-USPTO
Patent Publication
MAY 2 1 2008

Applicants respectfully request this petition be granted and a change of inventors be made of record. Enclosed herewith is a check for $130.00 pursuant to 37 C.F.R. 1.17(i).

The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. Should no proper payment be enclosed herewith, as by a check, being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.

Should the Examiner be of the opinion that further clarification is necessary, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By Joseph P. Fox
Joseph P. Fox
Registration No. 41,760

October 20, 2005

300 South Wacker Drive - Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
Customer Number 24978

RECEIVED-USPTO
Patent Publication
MAY 21 2008
RECEIVED-USPTO
Patent Publication

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO	:	7,342,561
APPLICATION NO	:	10/603,067
ISSUED	:	Mar. 11, 2008
INVENTOR(S)	:	Furukoshi et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Patent Face:

At the top, Item (12), beneath "**United States Patent**", please delete "Hiraki et al." and insert --Furukoshi et al.-- in its place.

Under "Inventors", Item (75), please delete "Katsuyoshi Hiraki, Kawasaki (JP);" and "Koichi Katagawa, Kawasaki (JP);" as inventors.

MAILING ADDRESS OF SENDER:
Joseph P. Fox
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, Suite 2500
Chicago, IL 60606

PATENT NO 7,342,561
No. of additional copies 1

RECEIVED-USPTO
MAY 2 1 2008
RECEIVED-USPTO
MAY 2 1 2008

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,342,561
APPLICATION NO : 10/603,067
ISSUED : Mar. 11, 2008
INVENTOR(S) : Furukoshi et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Patent Face:

At the top, Item (12), beneath "**United States Patent**", please delete "Hiraki et al." and insert --Furukoshi et al.-- in its place.

Under "Inventors", Item (75), please delete "Katsuyoshi Hiraki, Kawasaki (JP);" and "Koichi Katagawa, Kawasaki (JP);" as inventors.

MAILING ADDRESS OF SENDER:
Joseph P. Fox
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, Suite 2500
Chicago, IL 60606

PATENT NO 7,342,561
No. of additional copies 1

RECEIVED-USPTO
Patent Publication
RECEIVED-USPTO
MAY 21 2008

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Frederick G. Walther	: DECISION ON REQUEST FOR
Patent Number	: 7627251	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/603,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAIL

DEC 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

STEVE Y. CHO
TOWNSEND AND TOWNSEND AND CREW, L.L.P.
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

In re Application of: Takeda, et al.
Application No. 10/603,076
Filed: June 23, 2003
For: DATA PROCESSING SYSTEM INCLUDING STORAGE SYSTEMS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed October 12, 2004, 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 **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. §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, **petitioner 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, petitioner 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 Group Special Program Examiner.

The petition filed October 12, 2004 fails to adequately meet requirement (e) of the criteria set forth above.

With respect to requirement (e), a complete detailed discussion of the (aforementioned most closely related) references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). Petitioner's submission is deficient in that it does not discuss independent claims 18-19, for example, which appear to differ in scope from claims 1 and 13. That is, the submission does not satisfy the requirement, as it does not provide a ***detailed discussion*** of the references and it does not point out how the ***claimed subject matter is patentable over the references.***

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 the references provided in requirement (d) above.

Furthermore, please note that the listing of the inventorship in the petition is incorrect.

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.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

HMJ: 12/08/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

APR 1 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

TOWNSEND, TOWNSEND and CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

In re Application of : TAKEDA ET AL.
Application No. 10/603,076
Filed: JUNE 23, 2003
For: DATA PROCESSING SYSTEM INCLUDING STORAGE SYSTEMS

DECISION ON RECONSIDERATION OF PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P.§708.02(VIII) & 37 C.F.R. 102(d)

This is a decision on the Request for Reconsideration filed March 03, 2005 of the petition to make special under 37 C.F.R. 1.102(d) and M.P.E.P 708.02 (VIII): ACCELERATED EXAMINATION, originally filed on October 12, 2004.

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.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

4/13/05

JC

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

COPY MAILED

AUG 0 2 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Akihiko Otoguro et al :
Application No. 10/603,077 :
Filed: June 25, 2003 :
Attorney Docket No. 030757 :

This is a decision on the petition, filed July 27, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 15, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2822 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Pasi Jaaskela	: DECISION ON REQUEST FOR
Patent Number	: 7590678	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/603,080	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1172** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH, VA 22042-2924

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Patrick C. Jackanich, et. al.	:	
Application No. 10/603,089	:	DECISION ON PETITION
Filed: June 25, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 05002.0002.NPUS00	:	

This is a decision on the petition, filed April 20, 2005, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 25, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 24, 2005 accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 3765, for review of the amendment filed May 12, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

In re Application of	:	
Ding et al	:	
Serial No.: 10/603,115	:	DECISION ON PETITION
Filed: June 24, 2003	:	
For: Drug Coating With Topcoat	:	

This is in response to applicants' petition filed September 19, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATRICIA SMITH KING
SUITE 22
222 NORTH MIDVALE BOULEVARD
MADISON WI 53705-5072

COPY MAILED

DEC 07 2004

OFFICE OF PETITIONS

Applicant: Pyles et al.
Appl. No.: 10/603,117
Filing Date: June 24, 2003
Title: DUAL-FUNCTION TREADING EXERCISER
Attorney Docket No.: JHT-001 USP
Pub. No.: US 2004/0102292 A1
Pub. Date: May 27, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on June 18, 2004 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 republishes.

On June 24, 2003, the above identified application was filed without a benefit claim to the earlier filed U.S. application or a priority claim to the earlier filed foreign application. 37 CFR 1.78 in summary requires that a benefit claim to an earlier filed application must be contained in the first sentence of the application or be submitted in an amendment or application data sheet within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application.[1] The amendment making the priority and benefit claims filed on January 13, 2004, was not timely filed. Since, a proper benefit claim and a proper priority claim in accordance with 37 CFR 1.55 and 1.78 were not made within the required time period, the information has been removed from the pre-exam system.

In order to make a late benefit claim to the earlier filed applications, applicant must submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of

[1]See Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. §§ 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office Notices 89 (March 18, 2003).

the earlier filed applications. The petition must include 1) the surcharge ($1370) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference (amendment) to the prior applications in order for the petition to be granted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt
Copy of Filing Receipt mailed September 15, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATRICIA SMITH KING
SUITE 22
222 NORTH MIDVALE BOULEVARD
MADISON WI 53705-5072

COPY MAILED
JAN 24 2005
OFFICE OF PETITIONS

In re Application of	:
Nathan Pyles et al	: DECISION ON PETITION
Application No. 10/603,117	: UNDER 37 CFR 1.78(a)(3)
Filed: June 24, 2003	: AND UNDER 37 CFR 1.55(c)
Attorney Docket No. JHT-001USP	:

This is a decision on the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed December 14, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application, and under 35 U.S.C. § 119 for the benefit of a prior-filed foreign application.

The petitions are **GRANTED**.

As to the benefit claim under 37 CFR 1.78(a)(3):

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;[1]

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and

> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on June 24, 2003. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120 . Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

As to the benefit claim under 37 CFR 1.55(c):

A petition for acceptance of a claim for foreign priority under 37 CFR 1.55(c) is only applicable to those applications filed on or after November 29, 2000. Further, the nonprovisional application must be filed within 12 months of the filing date of the foreign application. In addition, a petition under 37 CFR 1.55(c) to

---

serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) must be accompanied by:

> **(1)** the claim under 35 U.S.C. §119(a)-(d) to the prior foreign application, unless previously submitted;[2]
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on June 24, 2003, which is after November 29, 2000 and intermediate prior-filed Application No. 10/303,724 was filed on November 26, 2002, within 12 months of foreign Application No. 091207866, filed May 29, 2002 (the filing date of the foreign application to which benefit is now being claimed). On January 13, 2004, a declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a) through (d) is granted.

---

[2] The claim must identify in the oath or declaration the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country, and the filing date. *Note* also 37 CFR 1.63(c)(2).

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, and the foreign priority claim, accompanies this decision on petition.

It is noted that the foreign data is included in the domestic priority data in the amendment submitted with the instant petition. Nevertheless, benefit of the aforementioned foreign application was properly placed under the section for priority in the declaration submitted January 13, 2004, and, therefore, will only be entered as such in Office records.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

Any inquiries concerning this decision may be directed to Karen Creasy at (571) 272-3208.

This application is being forwarded to Technology Center Art Unit 3764 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed nonprovisional Application No. 10/303,724,

filed November 26, 2002, and for consideration of the foreign priority claim under 35 U.S.C. § 119 for the benefit of Foreign Application No. 091207866, filed May 29, 2002.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

King Research & Law
222 N. Midvale Blvd., Ste. 22
Midison, WI. 53705

PROCESSED BY
PG PUB DIVISION

JAN 2 4 2005

Applicant: Mohamed H. Khan
Appl. No.: 10/603,117
Filing Date: June 24, 2003
Title: DUAL-FUNCTIN TREADING EXERCISER
Attorney Docket No.: JHT-001USP
Pub. No.: US 2004/0102292 A1
Pub. Date: May 27, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on June 18, 2004 for the above-identified application.

The request is granted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)

Shelby Littman, Foo

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW O P-04

G.E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

COPY MAILED

JAN 2 3 2004

OFFICE OF PETITIONS

In re Application of	:
Harari, Rapaport, Cherniahovsky,	:
and Davelman	: DECISION ACCORDING STATUS
Application No. 10/603,121	: UNDER 37 CFR 1.47(a)
Filed: 25 June, 2003	:
Attorney Docket No. 02/23511	:

This is in response to the petition under 37 CFR 1.47(a)[1] filed on 10 November, 2003.

The petition is **GRANTED**.

Petitioners have shown that non-signing inventor Yuri Davelman cannot be found. Specifically, petitioners have shown that a letter was sent via certified mail, return receipt requested to the last known addresses of the non-signing joint inventor was returned by the Israeli Post Office as undeliverable. Despite diligent efforts on the part of petitioners, the inventor could not be located.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The petition fee will be charged to counsel's deposit account, No. 50-1407, as authorized in the Response to Missing Parts filed on 10 November, 2003.

---

[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette. The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Yuri Davelman
Hamelich David 513/8
Or Akiva 30600
ISRAEL

COPY MAILED

JAN 2 3 2004

OFFICE OF PETITIONS

In re Application of
Harari et al.
Application No. 10/603,121
Filed: 25 June, 2003
For: DELIVERY SYSTEM FOR SELF-EXPANDABLE DIVERTER

Dear Mr. Davelman:

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 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

G.E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILBANK, TWEED, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005-1413

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
David J. Schuessler	:	DECISION ON PETITION
Application No. 10/603,129	:	TO WITHDRAW
Filed: June 24, 2003	:	FROM RECORD
Attorney Docket: 17928DIV1RCE-INA	:	

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 19, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Milbank, Tweed, Hadley & McCloy were revoked as power of attorney by the assignee of the patent application on March 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

JAN 28 2005

TECHNOLOGY CENTER 3600

Patent Department
Taylor, Porter, Brooks &Phillips, LLP
P.O. Box 2471
Baton Rouge, LA 70821-2471

In re Application of
John W. Lynn
Application No. 10/603,134
Filed: June 24, 2003
For: ENHANCING MATURATION OF OOCYTES IN BIVALVES

DECISION ON PETITION UNDER 37 CFR 1.181 TO REVIEW PROPRIETY OF OFFICE ACTION

This is in response to applicant's petition under 37 CFR 1.181 filed October 25, 2004 requesting Supervisory review of the Office action mailed October 5, 2004.

The petition is **GRANTED.**

Applicant is seeking review of whether the Examiner has written a proper prior art rejection. Applicant argues that the above referenced Office action does not comply with 37 C.F.R. § 1.104 which requires that "[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied upon must be designated as nearly as practical." Applicant argues that the Examiner has not set forth a proper rejection in that the Examiner failed to offer supporting details or rationale, e.g., the Examiner failed to specify with particularity what portions of applicant's background section of the specification are being relied upon, and why the cited portions are said either to anticipate the claimed inventions, or why it would have been obvious to modify the cited portions to make the claimed invention.

After a careful review of the application file and thorough consideration of the position taken by applicant, it is clear that the above referenced Office action is not in compliance with 37 C.F.R. § 1.104. The examiner has merely taken the entire background section of the specification of the instant application and designated it as "Applicant's Admitted Prior Art (AAPA)" and rejects the claims under 35 U.S.C. § 102(a) as being anticipated by or under 35 U.S.C. § 103(a) as being unpatentable over AAPA. The examiner has failed to specify with particularity where in the prior art any of the limitations of the language of the claims might be found. Furthermore, the examiner failed to clearly explain the pertinence of each reference and each rejected claim

specified, as required by 37 C.F.R. § 1.104. Therefore, applicant can not prepare a viable response to the above referenced Office action.

Accordingly, the Office action of October 5, 2004 is hereby vacated. The application will be returned to the examiner for immediate preparation of a non-final office action.

Donald T. Hajec, Director
Patent Technology Center 3600
(703) 306-4180

DH/tl: 1/25/05
RR

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

Silicon Valley Patent Group LLP
18805 Cox Avenue
Suite 220
Saratoga CA 95070

In re Application of	:	JUN 11 2009
HASHIMOTO, ROY T.	:	**DECISION ON PETITION**
Application No. 10/603,135	:	
Filed: June 23, 2003	:	
Attorney Docket No. SSR-001-2	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) on May 19, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed December 2, 2008, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on March 27, 2009.

Petitioner states that the Applicants responded by timely paying the Issue Fee on March 2, 2009. In support of this assertion the petitioner has submitted documents, which include the following:

- Copy of Form PTOL-85B (FEE(S) TRANSMITTAL) signed by Edward Mao
- A verified statement signed by Edward Mao on May 19, 2009, which declares the prepared and mailed on March 2, 2009

The petitioner has demonstrated that the Fee Transmittal was timely mailed on December 9, 2008, and is in compliance with 37 CFR 1.10 in that

(1) the Patent and Trademark Office was promptly informed of the previous timely mailing,

(2) included a statement which attests to the previous timely mailing.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

COPY MAILED

FEB 21 2006

OFFICE OF PETITIONS

In re Application of :
Peron : DECISION ON PETITION
Application No. 10/603,220 :
Filed: June 25, 2003 :
Docket No.: S01022.81003 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed March 2, 2005.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned December 14, 2004 for failure to timely submit a proper reply to the Notice of Allowance ("Notice") mailed September 13, 2004. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed February 14, 2005.

Petitioners allege a response to the Notice of Allowance mailed April 6, 2004 was timely submitted on July 1, 2004 and consisted of a request for continued examination.

Petitioner is advised that in response to the request for continued examination submitted July 1, 2004, a Notice of Allowance and Issue Fee Due was mailed September 13, 2004 for which a response was not received.

Any request for reconsideration must be accompanied by evidence to sufficiently establish that a response to the Notice of Allowance was timely submitted on or before December 14, 2004.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay in timely submitting a properly reply to the Notice

was unintentional or unavoidable pursuant to 37 CFR 1.137(b) and (a) respectively. *See* MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

COPY MAILED

APR 10 2006

OFFICE OF PETITIONS

In re Application of :
Peron : DECISION ON PETITION
Application No. 10/603,220 :
Filed: June 25, 2003 :
Docket No.: S01022.81003 :

This is a decision on the petition renewed under 37 CFR 1.137(b), filed March 9, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 14, 2004 for failure to timely submit a proper reply to the Notice of Allowance ("Notice") mailed September 13, 2004. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed February 14, 2005. A petition under 37 CFR 1.181 was filed March 2, 2005 and dismissed February 21, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

COPY MAILED

JAN 13 2006

OFFICE OF PETITIONS

In re Application of	:	
Carl T. Brighton et al	:	
Application No. 10/603,226	:	DECISION ON PETITION
Filed: June 25, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. UPN-4238	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 2005, 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 Inventor Carl T. Brighton's driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3766 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

COPY MAILED
AUG 30 2004
OFFICE OF PETITIONS

In re Application of :
Yoshiharu Ogawa, et al. :
Application No. 10/603,230 : ON PETITION
Filed: June 25, 2003 :
Attorney Docket No. 69599/JPW/FHB :

This is a decision on the petition, filed August 27, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 10, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

The application is being referred to Technology Center AU 1772 for further processing of the request for continued examination under 37 CFR 1.114 filed August 27, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony Edw. J. Campbell
PO Box 160370
Austin TX 78716-0370

COPY MAILED

MAY 21 2007

OFFICE OF PETITIONS

In re Application of :
Lesch Jr. et al. :
Application No. 10/603,235 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. NWK1581 :

This is a decision on the petition under 37 CFR 1.137(a), filed November 6, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."[1] Extensions of time under 37 CFR 1.136(a) are permitted. No additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

On June 28, 2005, the Office mailed a Corrected Notice of Allowance and Fee(s) Due and Notice of Allowability, (hereinafter "Notice of Allowance") which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must pay a $700.00 issue fee by September 28, 2005, to avoid abandonment. In the absence of a timely filed reply, the application became abandoned on September 29, 2005. A Notice of Abandonment was mailed on May 26, 2006.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(l);

[1] In the alternative, applicant may file a petition under 37 CFR 1.137(b) accompanied by the required petition fee.

> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

This petition lacks items (1) and (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable". Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

As to requirement (1):

In an application lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. Although applicant stated that the $700.00 issue fee accompanied the present petition, the payment was not

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

received. Therefore, petitioner has failed to submit the required reply to the outstanding Notice of Allowance. A copy of the Notice accompanies this decision for petitioner's convenience. With any renewed petition to revive, applicant must submit the issue fee.

As to requirement (3):

Applicant asserted that the delay was unavoidable due to non-receipt of the Notice of Allowance mailed on June 28, 2005. Applicant stated that prior to the filing of the application, counsel relocated and updated the customer number to reflect the new address. The Office notes that the Notice of Allowance was returned to the Office with an indication on the envelope to "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSES UNABLE TO FORWARD." The Office further notes that the declaration and transmittal letter submitted on filing included the Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156.

Applicant bears the burden of establishing that a timely change of correspondence address was submitted with the Office. A review of the USPTO records indicates that a change of the correspondence address was entered by the USPTO on June 14, 2006, after the mail date of the Notice of Allowance. Therefore, it appears that the Notice was mailed to the address of record, as it existed on June 28, 2005. Although applicant asserts that counsel's correspondence address was updated, applicant did not provide any documentary evidence to demonstrate that applicant changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370. Examples of documentary evidence that would support such a showing are: (1) a "Request for Customer Number Data Change " (PTO /SB /124), requesting a change in the correspondence address associated with Customer No. 30245; (2) a "Change of Correspondence Address, Application " (PTO /SB /122), changing the correspondence address of this application to the address associated with Customer No. 30245; or (3) a request submitted electronically via a computer-readable diskette to change the correspondence address of this application to the address associated with Customer No. 30245.

The record does not support a showing that applicant promptly notify the Office of the change of correspondence address. Accordingly, applicant has failed to demonstrate that the delay in paying the issue fee was unavoidable due to non-receipt of the Notice of Allowance.

The Office reminds applicant that a belated notification to the USPTO of a change of correspondence address does not constitute proper notification as to establish unavoidable delay. An applicant is responsible for promptly informing the Office of any change of address. Furthermore, the Office notes that where an application becomes abandoned as a consequence of a change of correspondence address an adequate showing of "unavoidable" delay requires a showing that applicant exercised due care to promptly notify the Office of the change of address and file a timely notification of the change of address in the application at hand.[5] Furthermore, a delay

[5] MPEP 711.03(c)(III)(C)(2)

resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[6]

Because applicant did not provide a sufficient showing that the delay was unavoidable within the meaning of 35 USC § 151 and 37 CFR 1.137(a), the petition is **dismissed**. In any renewed petition under 37 CFR 1.137(a), applicant must submit documentary evidence to support a showing of unavoidable delay.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures

[6] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,235	06/24/2003	James A. Lesch JR.	NWK1581	5606

7590 05/26/2006

Anthony Edw. J Campbell
6721 Northridge Drive
Dallas, TX 75214-3156

EXAMINER
BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	10/603,235	James A. Lesch JR.	
	Examiner	Art Unit	
	BRINSON, PATRICK F	3754	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☒ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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

CORRECTED
NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/28/2005

Anthony Edw. J Campbell
6721 Northridge Drive
Dallas, TX 75214-3156

EXAMINER
BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 06/28/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,235	06/24/2003	James A. Lesch JR.	NWK1581	5606

TITLE OF INVENTION: INSULATED PIPE CONCEALER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$0	$700	09/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 06/28/2005

Anthony Edw. J Campbell
6721 Northridge Drive
Dallas, TX 75214-3156

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,235	06/24/2003	James A. Lesch JR.	NWK1581	5606

TITLE OF INVENTION: INSULATED PIPE CONCEALER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$0	$700	09/28/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRINSON, PATRICK F	3754	138-149000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1_____

2_____

3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,235	06/24/2003	James A. Lesch JR.	NWK1581	5606

. 7590 06/28/2005

Anthony Edw. J Campbell
6721 Northridge Drive
Dallas, TX 75214-3156

EXAMINER
BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 06/28/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	10/603,235	LESCH ET AL.	
	Examiner	Art Unit	
	Patrick F. Brinson	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *phone conversation of January 3, 2005*.

2. ☒ The allowed claim(s) is/are *1-6 and 8-20*.

3. ☒ The drawings filed on *24 June 2003* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's attorney, **Mr. Anthony Campbell** on Monday, January 3, 2005.

The application has been amended as follows:

In the Claims:

Claim 10, line 1, change "10" to "1", claim 12, line 1, change "13" to "1".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick F. Brinson
Primary Examiner
Art Unit 3754

P. F. Brinson
January 6, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony Edw. J. Campbell
PO Box 160370
Austin TX 78716-0370

COPY MAILED

JAN 1 7 2008

OFFICE OF PETITIONS

In re Application of :
Lesch Jr. et al. :
Application No. 10/603,235 :
Filed: June 24, 2003 :
Attorney Docket No. NWK1581 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed July 20, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."[1] Extensions of time under 37 CFR 1.136(a) are permitted. No additional fee is required for filing a "Renewed Petition under 37 CFR 1.137(a)."

On June 28, 2005, the Office mailed a Corrected Notice of Allowance and Fee(s) Due and Notice of Allowability, (hereinafter "Notice of Allowance") which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must pay a $700.00 issue fee by September 28, 2005, to avoid abandonment. In the absence of a timely filed reply, the application became abandoned on September 29, 2005. A Notice of Abandonment was mailed on May 26, 2006. On November 6, 2006, applicant filed a petition under 37 CFR 1.137(a), which was dismissed by the decision of May 21, 2007.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

[1] In the alternative, applicant may file a petition under 37 CFR 1.137(b) accompanied by the required petition fee.

(2) The petition fee as set forth in 37 CFR 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

This renewed petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable". Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

As to requirement (3):

Applicant asserted that the delay was unavoidable due to non-receipt of the Notice of Allowance mailed on June 28, 2005. Applicant stated that prior to the filing of the application, counsel relocated and updated the customer number to reflect the new address. Specifically, applicant asserted:

> It is first noted that the original Utility Patent Application Transmittal sheet, filed *6/24/2003* via US Express Mail Label No. EU187567775US clearly indicated for the application correspondence address to be that associated with Customer Number 30245. The remaining question concerns when the address for that customer number was properly updated in 2003. Attorney shows by preponderance of the above evidence that the Customer Number address for 30245 was updated prior to the Notice of Allowance for the file at issue was mailed.

Renewed Petition, pp. 1-2.

A belated notification to the USPTO of a change of correspondence address does not constitute proper notification as to establish unavoidable delay. An applicant is responsible for promptly informing the Office of any change of address. Furthermore, where an application becomes abandoned as a consequence of a change of correspondence address an adequate showing of "unavoidable" delay requires a showing that applicant exercised due care to promptly notify the Office of the change of address and file a timely notification of the change of address in the application at hand.[5] Furthermore, a delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[6]

As stated in the previous decision, the Office noted that the Notice of Allowance was returned to the Office with an indication on the envelope to "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSES UNABLE TO FORWARD." The Office further noted that the declaration and transmittal letter submitted on filing included the Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156. The decision reminded applicant that applicant bears the burden of establishing that a timely change of correspondence address was submitted with the Office. The Office informed applicant that a review of the USPTO records revealed that a change of the correspondence address was entered by the USPTO on June 14, 2006, after the mail date of the Notice of Allowance, and thus, it appeared that the Notice was mailed to the address of record, as it existed on June 28, 2005.

The decision of May 21, 2007, stated that applicant must provide documentary evidence, such as (1) a "Request for Customer Number Data Change " (PTO /SB /124), requesting a change in the correspondence address associated with Customer No. 30245; (2) a "Change of Correspondence

---

[5] MPEP 711.03(c)(III)(C)(2)

[6] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

Address, Application " (PTO /SB /122), changing the correspondence address of this application to the address associated with Customer No. 30245; or (3) a request submitted electronically via a computer-readable diskette to change the correspondence address of this application to the address associated with Customer No. 30245, to demonstrate that applicant changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370, prior to the mailing of the Notice of Allowance.

On renewed petition, the practitioner asserted that the "[a]ttorney shows by preponderance of the above evidence that the Customer Number address for 30245 was updated prior to the Notice of Allowance for the file at issue was mailed." *Renewed Petition, p. 2.* However, neither applicant nor the practitioner submitted any documentary evidence with the renewed petition, as requested in the decision of May 21, 2007, to support this assertion. Accordingly, applicant has failed to demonstrate that the delay in paying the issue fee was unavoidable due to non-receipt of the Notice of Allowance.

Thus, the renewed petition under 37 CFR 1.137(a) is dismissed. The Office acknowledges receipt of the issue fee payment.

If applicant cannot supply the evidence necessary to establish unavoidable delay, applicant may file a petition under 37 CFR 1.137(b). The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 CFR 1.17(m); and,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony Edw. J. Campbell
PO Box 160370
Austin TX 78716-0370

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Lesch Jr. et al.	:	
Application No. 10/603,235	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. NWK1581	:	

This is a decision on the second renewed petition under 37 CFR 1.137(a), filed May 19, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

On June 28, 2005, the Office mailed a Corrected Notice of Allowance and Fee(s) Due and Notice of Allowability, (hereinafter "Notice of Allowance") which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must pay a $700.00 issue fee by September 28, 2005, to avoid abandonment. In the absence of a timely filed reply, the application became abandoned on September 29, 2005. A Notice of Abandonment was mailed on May 26, 2006. On November 6, 2006, applicant filed a petition under 37 CFR 1.137(a), which was dismissed by the decision of May 21, 2007. On July 20, 2007, applicant filed a renewed petition under 37 CFR 1.137(a), which was dismissed by the decision of July 24, 2007. On May 19, 2008, applicant filed the present second renewed petition under 37 CFR 1.137(a).

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

This second renewed petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable". Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Applicant asserted that the delay was unavoidable due to non-receipt of the Notice of Allowance mailed on June 28, 2005. Applicant stated that prior to the filing of the application counsel relocated and updated the customer number to reflect the new address. Specifically, applicant asserted:

> It is first noted that the original Utility Patent Application Transmittal sheet, filed *6/24/2003* via US Express Mail Label No. EU187567775US clearly indicated for the application correspondence address to be that associated with Customer Number 30245. The remaining question concerns when the address for that customer number was properly updated in 2003. Attorney shows by preponderance of the above evidence that the Customer Number address for 30245 was updated prior to the Notice of Allowance for the file at issue was mailed.

Renewed Petition, pp. 1-2.

A belated notification to the USPTO of a change of correspondence address does not constitute proper notification as to establish unavoidable delay. An applicant is responsible for promptly informing the Office of any change of address. Furthermore, where an application becomes abandoned as a consequence of a change of correspondence address an adequate showing of "unavoidable" delay requires a showing that applicant exercised due care to promptly notify the Office of the change of address and file a timely notification of the change of address in the application at hand. MPEP 711.03(c)(III)(C)(2). Furthermore, a delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

As stated in the previous decision, the Office noted that the Notice of Allowance was returned to the Office with an indication on the envelope to "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSES UNABLE TO FORWARD." The Office further noted that the declaration and transmittal letter submitted on filing included the Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156. The decision reminded applicant that applicant bears the burden of establishing that a timely change of correspondence address was submitted with the Office. The Office informed applicant that a review of the USPTO records revealed that a change of the correspondence address was entered by the USPTO on June 14, 2006, after the mail date of the Notice of Allowance, and thus, it appeared that the Notice was mailed to the address of record, as it existed on June 28, 2005.

The decision of May 21, 2007, stated that applicant must provide documentary evidence, such as (1) a copy of the "Request for Customer Number Data Change " (PTO /SB /124), requesting a change in the correspondence address associated with Customer No. 30245; (2) a copy of the "Change of Correspondence Address, Application " (PTO /SB /122), changing the correspondence address of this application to the address associated with Customer No. 30245; or (3) a copy of a request submitted electronically via a computer-readable diskette to change the correspondence address of this application to the address associated with Customer No. 30245, to demonstrate that applicant changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370, prior to the mailing of the Notice of Allowance of June 28, 2005.

In the first renewed petition, the practitioner asserted that the "[a]ttorney shows by preponderance of the above evidence that the Customer Number address for 30245 was updated prior to the Notice of Allowance for the file at issue was mailed." *Renewed Petition, p. 2.* However, neither applicant nor the practitioner submitted any documentary evidence with the renewed petition, as requested in the decision of May 21, 2007, to support this assertion. Accordingly, the renewed petition was dismissed by the decision of January 17, 2008.

On May 19, 2008, applicant filed the present second renewed petition. The practitioner argues: "Where an action is returned as undeliverable, the office must attempt to ascertain the correct address and re-mail the action, with the period being reset with the date of re-mailing." In support, the

practitioner cites to In re Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924). Furthermore, the practitioner asserts:

> The Office neither selected the Customer Number address, which was updated in a timely manner, nor attempted to ascertain the correct address when it was returned as undeliverable. Attorney used due care to take all action necessary for proper response to outstanding Office actions, but could not respond to an Action that was unknown to Attorney because the Office did not follow its own procedures.

The Office notes that Office actions or Notices are sometimes returned to the Office because the USPTO is unable to deliver them. Upon receipt of the returned Office action or Notice, it is the procedure of the USPTO to have the Technology support staff checks the application record to ensure that the Office action or Notice was mailed to the correct correspondence address. See MPEP 703.01. The support staff should remail the Office action or Notice to the correct correspondence address with a remailing date. Id. The period running against the application begins with the date of remailing. If the Office is not successful in delivering the Office action or Notice, a copy of the communication and a copy of the envelope should be added to the Image File Wrapper. If the period dating from the remailing elapses with no communication from applicant, the application is abandoned.

In the present second renewed petition, the practitioner cites to 37 CFR 1.33(a), which states: "If more than one correspondence address is specified in a single document, the Office will select one of the specified addresses for use as the correspondence address and, if given, will select the address associated with a Customer Number over a typed correspondence address." It appears that the practitioner mistakenly believes that the Office entered the typed correspondence address over the address associated with the Customer Number.

In both the declaration and transmittal letter submitted on filing the application, the practitioner specified Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156. Therefore, in keeping with 37 CFR 1.33(a), the Office selected the address associated with the Customer Number over the typed correspondence address. However, the Office notes that address associated with Customer Number 30245 and the typed correspondence address (6721 Northridge Drive, Dallas, Texas 75214-3156) were the same at the time of the mailing and remailing of the Notice of Allowance. The records show that the practitioner did not submit a timely request with the USPTO to update the Customer Number address or to associate the updated address with this application. Moreover, the Office again notes that neither applicant nor the practitioner submitted any documentary evidence with the present second renewed petition, as requested by the USPTO, to support the assertion the Customer Number address for 30245 was updated prior to the date of mailing of the Notice of Allowance.

The Office correctly followed its procedures by entering the address associated with the Customer Number as the correspondence address of record over the typed address and correctly mailed the Notice of Allowance to the Customer Number address (6721 Northridge Drive, Dallas, Texas 75214-3156) as it existed on that date. Upon receiving the returned Notice of Allowance, the support staff verified that the Notice of Allowance was mailed to the correct correspondence address as it existed in the USPTO records at that time. The Office remailed the Notice of Allowance to the correspondence

address of record and restarted the period for reply. As no timely reply was received in the USPTO, the application became abandoned.

After a thorough review of all of the facts, the Office concludes that applicant did not submit a timely request to change the address associated with the Customer Number to PO Box 160370, Austin, TX 78716-0370 or designate a new address associated with the Customer Number as the correspondence address of instant application. Accordingly, applicant failed to demonstrate that the delay in paying the issue fee was unavoidable.

In view of the above, the second renewed petition under 37 CFR 1.137(a) is **dismissed**. Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. If applicant should file a petition for reconsideration, it should include an exhaustive attempt to provide the lacking item(s) noted in the decision because the Director will not undertaken any further reconsideration or review of the matter after a decision on the petition for reconsideration. Specifically, as indicated above, applicant must provide documentary evidence, such as (1) a copy of the "Request for Customer Number Data Change " (PTO /SB /124), requesting a change in the correspondence address associated with Customer No. 30245; (2) a copy of the "Change of Correspondence Address, Application " (PTO /SB /122), changing the correspondence address of this application to the updated address associated with Customer No. 30245; or (3) a copy of a request submitted electronically via a computer-readable diskette to change the correspondence address of this application to the updated address associated with Customer No. 30245, to demonstrate that applicant changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370, prior to the mailing of the Notice of Allowance of June 28, 2005.

In the alternative, the Office strongly advises applicant to file a petition under 37 CFR 1.137(b). The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 CFR 1.17(m) (currently $810.00 for a small entity); and,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Anthony Knight, Supervisor

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony Edw. J. Campbell
PO Box 160370
Austin TX 78716-0370

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of :
Lesch Jr. et al. :
Application No. 10/603,235 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. NWK1581 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed December 12, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. 704 for purposes of seeking judicial review. See MPEP 1002.02.

BACKGROUND

On June 28, 2005, the Office mailed a Corrected Notice of Allowance and Fee(s) Due and a Notice of Allowability (hereinafter "Notice of Allowance"),[1] which set a three-month statutory period for reply. The Notice of Allowance indicated that petitioner must pay a $700.00 issue fee by September 28, 2005, to avoid abandonment. In the absence of a timely filed reply, the application became abandoned on September 29, 2005. On May 26, 2006, the Office mailed a Notice of Abandonment, which was returned to the USPTO as undeliverable.

On November 6, 2006, petitioner filed a petition under 37 CFR 1.137(a), which was dismissed by the decision of May 21, 2007. On July 20, 2007, petitioner filed a renewed petition under 37 CFR 1.137(a), which was dismissed by the decision of July 24, 2007. On May 19, 2008, petitioner filed a second renewed petition under 37 CFR 1.137(a), which was dismissed by the decision of October 14, 2008. On December 12, 2008, petitioner filed the present petition in which petitioner reiterates his assertion that the delay was unavoidable due to non-receipt of the Notice of Allowance mailed on June 28, 2005.

[1] On October 19, 2004, the Office mailed a Notice of Allowance and a Notice of Allowability, which was returned as undeliverable. On January 12, 2005, the Office mailed a Notice of Allowability, which was returned as undeliverable. On June 28, 2005, the Office mailed the subject Corrected Notice of Allowance and Notice of Allowability, which was also returned to the USPTO as undeliverable.

STATUTES AND REGULATIONS

35 U.S.C. 133 states:

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

35 U.S.C. 151 states:

> If it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.
>
> Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.
>
> Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof, and, if not paid, the patent shall lapse at the termination of this three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.
>
> If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Director as though no abandonment or lapse had ever occurred.

37 CFR § 1.135 states:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
>
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

37 CFR § 1.137 states:

> (a) Unavoidable. If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under

§ 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(b) Unintentional. If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under § 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

OPINION

37 CFR 1.137 provides for the revival of abandoned applications for failure to timely pay the issue fee for a utility application. A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

This petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable". Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

DISCUSSION

On November 6, 2006, petitioner filed an initial petition under 37 CFR 1.137(a), asserting that the application was abandoned unavoidably due to non-receipt of the Notice of Allowance dated June 28, 2005. Petitioner stated that the practitioner relocated and updated his customer number to reflect his new address prior to the filing of this application. Petitioner indicated that the practitioner updated his address with the USPTO in 2003, and that the declaration on filing listed the customer number as the correspondence address. Petitioner argued that the return of the Notices of Allowance to the USPTO as undeliverable served as proof that the Notice of Allowance was not received.

On May 21, 2007, the Office mailed a decision dismissing the initial petition under 37 CFR 1.137(a). In the decision, the Office noted that the Notice of Allowance was returned to the USPTO with an indication on the envelope to "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSES UNABLE TO FORWARD." The Office further noted that the declaration and transmittal letter submitted on filing included the Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156. The Office reminded petitioner that petitioner bore the burden of establishing that a timely change of correspondence address was submitted with the USPTO for this application. The Office informed petitioner that a review of the USPTO records revealed that a change of the correspondence address was entered by the USPTO on June 14, 2006, after the mail date of the Notice of Allowance, and that it appeared that the Notice was mailed to the address of record as it existed on June 28, 2005. The decision instructed petitioner that petitioner must provide documentary evidence with any renewed petition, such as (1) a copy of the "Request for Customer Number Data Change" (PTO /SB /124), requesting a change in the correspondence address associated with Customer No. 30245; (2) a copy of the "Change of Correspondence Address, Application " (PTO /SB /122), changing the correspondence address of this application to the address associated with Customer No. 30245; or (3) a copy of a request submitted electronically via a computer-readable diskette to change the correspondence address of this application to the address associated with Customer No. 30245, in order to demonstrate that petitioner changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370, prior to the mailing of the Notice of Allowance on June 28, 2005.

On July 20, 2007, petitioner filed a renewed petition under 37 CFR 1.137(a), in which the practitioner stated:

> It is first noted that the original Utility Patent Application Transmittal sheet, filed *6/24/2003* via US Express Mail Label No. EU187567775US clearly indicated for the application correspondence address to be that associated with Customer Number 30245. The remaining question concerns when the address for that customer number was properly updated in 2003. Attorney shows by preponderance of the above evidence that the Customer Number address for 30245 was updated prior to the Notice of Allowance for the file at issue was mailed."

Petition dated 07/20/07, pp. 1- 2. However, neither petitioner nor the practitioner submitted any documentary evidence with the renewed petition, as requested in the decision of May 21, 2007, to support this assertion. Accordingly, the renewed petition was dismissed by the decision of January 17, 2008.

On May 19, 2008, petitioner filed a second renewed petition under 37 CFR 1.137(a), in which the practitioner argued: "Where an action is returned as undeliverable, the office must attempt to ascertain the correct address and re-mail the action, with the period being reset with the date of re-mailing." *Petition dated 05/19/08, p. 1.* In support of his argument, the practitioner cited to In re Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924). Specifically, the practitioner asserted:

> The Office neither selected the Customer Number address, which was updated in a timely manner, nor attempted to ascertain the correct address when it was returned as undeliverable. Attorney used due care to take all action necessary for proper response

> to outstanding Office actions, but could not respond to an Action that was unknown to Attorney because the Office did not follow its own procedures.

Petition dated 05/19/08, p. 1-2.

On October 14, 2008, the Office mailed a decision dismissing the second renewed petition. In the decision, the Office advised petitioner of the USPTO's procedures for remailing returned mail and confirmed that such procedures were followed in this application. Furthermore, the Office explained that the practitioner specified Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156 in both the declaration and transmittal letter submitted on the filing of this application. Therefore, in keeping with 37 CFR 1.33(a), the Office selected the address associated with the Customer Number over the typed correspondence address. However, the Office noted that address associated with Customer Number 30245 and the typed correspondence address (6721 Northridge Drive, Dallas, Texas 75214-3156) were the same at the time of the mailing and remailing of the Notices of Allowance. The decision informed petitioner that USPTO records showed that the practitioner did not submit a timely request with the Office to update the Customer Number address and associate the updated address with this application. Further, the Office noted that neither petitioner nor the practitioner submitted any documentary evidence with the second renewed petition, as requested by the USPTO, to support the assertion the Customer Number address for 30245 was updated prior to the date of mailing of the Notice of Allowance. The decision concluded that the USPTO correctly followed its procedures by entering the address associated with the Customer Number as the correspondence address of record over the typed address and correctly mailed the Notice of Allowance to the Customer Number address (6721 Northridge Drive, Dallas, Texas 75214-3156) as it existed on that date. Furthermore, the decision confirmed that the application became abandoned for failure to pay the issue fee timely and not due to any error by the USPTO in mailing the Notice of Allowance. The decision informed petitioner that if petitioner chose to file a petition for reconsideration, petitioner must include an exhaustive attempt to provide the lacking item(s) noted in the decision because the Director would not undertaken any further reconsideration or review of the matter after a decision on the petition for reconsideration. Once more, the decision directed petitioner to provide documentary evidence to demonstrate that petitioner changed the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370, prior to the mailing of the Notice of Allowance on June 28, 2005.

On December 12, 2008, petitioner filed the present renewed petition in which petitioner reiterates his assertion that the delay was unavoidable due to non-receipt of the Notice of Allowance mailed on June 28, 2005. Petitioner continues to maintain that the practitioner updated the customer number in 2003 to reflect his new address. Specifically, petitioner states:

> The Office has noted that in both the declaration and the transmittal letter submitted on filing the application, practitioner specified Customer Number 30245. However, the Office is incorrect in its assertion that the Office properly selected the Customer Number at the time of filing. Rather, the Office improperly entered the practitioner's address at the time of filing despite both 37 CFR 1.33(a) and the clear indication, by check box, that the Customer Number be selected by OIPE. Unfortunately, such a selection contrary to both clear selection by a practitioner and 37 CFR 1.33(a) is not an uncommon experience. To wit, this practitioner has had to file several other petitions

> on the same basis. A review has spotted seventeen additional files that counsel filed that are not linked to counsel's customer number and are inaccessible to counsel via PAIR[.[2]]
>
> . . .
>
> Again, the Office has already noted that in both the declaration and the transmittal letter submitted on filing the application, the practitioner specified Customer Number 30245. The application was filed on June 24, 2003 using that number. Counsel for petitioner asserts that the Customer Number was not linked to the application at that time, but was linked to the file on June 14, 2006, when practitioner was encouraged to file yet another address update in order to ensure this application was linked to his Customer Number so practitioner could access the case in PAIR. This additional request date is being used against practitioner, as it is being asserted by the Office as the date which the Customer Number was updated, rather than the date on which a Customer Number, rather than a correspondence address, was used for the application. Practitioner asserts that (1) it was requested that the Customer Number be linked to the application at the time of filing, namely June 24, 2003; and (2) the practitioner address associated with the Customer Number was updated around the date of July 7, 2003. Alternatively, it could also be the case that another problem caused this particular case, as well as the other cases enumerated above, not to be updated in a timely manner when originally requested by the practitioner.
>
> . . .
>
> Unfortunately, because of a crashed hard drive and other computer updates, counsel for petitioner is not able to provide a copy of the address change request; however, counsel requests that the Office not dismiss petitioner for lack of this particular form, but rather consider other correspondence mailed by the Office to the counsel for petitioner prior to the date of the Notice of Allowance for this application. Counsel for petitioner provides documentary evidence that the date of the address update was approximately July 7, 2003 by referencing the following Notices of Allowance which are readily available to the Office, and prays and pleads that the Office examine and consider its own records on this issue. If the Office would prefer that the practitioner provide his own copies of these Notices of Allowance, counsel for petitioner will happily oblige.

Petition dated 12/12/08, pp. 2-4.

As documentary proof of the timely change of the correspondence address, petitioner identified 10 applications in which the Notices of Allowances were mailed after July 7, 2003, to the practitioner's updated Customer Number address of PO Box 160370, Austin TX 78716.

---

[2] Petitioner submitted a table listing application that applicant asserts have not been associated with practitioner's Customer Number 30245, despite providing the Customer Number at the time of filing.

The Office has considered applicant's arguments; however, the Office does not find them persuasive. The Office reminds petitioner that the burden is on petitioner to show that the delay in responding to the Notice of Allowance was unavoidable within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a). The Office notes that a belated notification to the USPTO of a change of correspondence address does not constitute proper notification as to establish unavoidable delay. An applicant is responsible for promptly informing the Office of any change of address. Where an application becomes abandoned as a consequence of a change of correspondence address an adequate showing of "unavoidable" delay requires a showing that petitioner exercised due care to promptly notify the Office of the change of address and file a timely notification of the change of address in the application at hand. MPEP 711.03(c)(III)(C)(2). Furthermore, a delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987);Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

Despite repeated opportunities, petitioner has not provided sufficient documentary evidence to support a finding of unavoidable delay. Petitioner continues to argue that he submitted a request to change the correspondence address associated with Customer No. 30245 to PO Box 160370, Austin TX 78716-0370 for a number of applications, including the instant application on July 7, 2003. However, petitioner has not provided the Office with either a computer-readable diskette or a list of applications for which the address change was requested. Moreover, petitioner has not shown that the present application was one of the applications for which petitioner submitted a request to update the address associated with Customer No. 30245 prior to the mailing of the Notice of Allowance on June 28, 2005.

After performing a thorough search of the USPTO records, as well as consulting with the Electronic Business Center and the System and Information Resources Administration, the evidence supports a conclusion that the practitioner did not submit a timely request with the Office to update the Customer Number address and associate the updated address with the present application. It is unfortunate that counsel for petitioner is unable to provide a copy of the address change request because of a crashed hard drive and other computer updates. However, in the absence of such documentary evidence, petitioner has failed to meet his burden of establishing that the delay was unavoidable. Accordingly, the Office cannot grant the present renewed petition. See Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Moreover, petitioner is not entitled to a refund of the petition fee. The Office notes:

> 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

> In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

MPEP 711.03(c)(III)(B).

CONCLUSION

After a thorough review of all of the facts, the Office concludes that petitioner did not submit a timely request to change the address associated with the Customer Number to PO Box 160370, Austin, TX 78716-0370 or designate a new address associated with the Customer Number as the correspondence address in this application prior to the mailing of the Notice of Allowance. Accordingly, petitioner failed to demonstrate that the delay in paying the issue fee was unavoidable. The Director will not undertake any further review or reconsideration on the petition under 37 CFR 1.137(a).

The Office notes that if petitioner's delay in paying the issue fee was unintentional, a petition may be filed pursuant 37 CFR 1.137(b) to revive this abandoned application. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in 37 CFR 1.17(m); and,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137 (d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Charles A. Pearson
Director
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

Anthony Edw. J. Campbell
PO Box 160370
Austin TX 78716-0370

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of :
Lesch Jr. et al. :
Application No. 10/603,235 :
Filed: June 24, 2003 :
Attorney Docket No. NWK1581 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed September 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

On June 28, 2005, the Office mailed a Corrected Notice of Allowance and Fee(s) Due and a Notice of Allowability (hereinafter "Notice of Allowance"), which set a three-month statutory period for reply. The Notice of Allowance indicated that petitioner must pay a $700.00 issue fee by September 28, 2005, to avoid abandonment. In the absence of a timely filed reply, the application became abandoned on September 29, 2005.

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, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded to the Office of Data Management for issuance of a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Data Management, Customer Service at 571-272-4200 or 1-888-786-0101.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at 571-272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9-22-07

TO SPE OF : **Technology Center** 1732 10/603257

SUBJECT : Request for Certificate of Correction on Patent No.: 7144538 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Christina Johnson — 1791

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RALPH E. JOCKE
Walker & Jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256

COPY MAILED

FEB 15 2008

OFFICE OF PETITIONS

In re Application of :
Enright, et al. :
Application No. 10/603,266 :
Filed: June 23, 2003 :
Attorney Docket No. D-1112 R2 :
DIV

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 24, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on December 7, 2007, stating that this application is abandoned for failure to take appropriate action in a timely manner after the May 3, 2007, decision of the Board of Patent Appeals and Interferences. Petitioner filed a request for rehearing on June 21, 2007. The request was denied on December 6, 2007.

Petitioner contends that the holding of abandonment of this application was improper. In this regard, 1.304(a) states that:

> (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ **1.302**) or for commencing a civil action (§ **1.303**) is two months from the date of the decision of the Board of Patent Appeals and Interferences. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § **41.52**(a), § **41.79**(a), or § **41.127**(d) of this title, the time for filing an appeal or commencing a civil action shall expire two months after action on the request.

Therefore, petitioner had up to and including February 6, 2008, within which to take appropriate action. A request for continued examination (RCE), and (submission), and a $810 fee for the RCE were filed on February 5, 2008.

The rule at 37 CFR 1.304(a)(1) states:

> The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § **41.52**(a), § **41.79**(a), or § **41.127**(d) of this title, the time for filing an appeal or commencing a civil action shall expire two months after action on the request.

Further, the rule at 37 CFR 1.198 states:

> When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 * *

Additionally, attention is directed to MPEP 1214.07 Reopening of Prosecution, which states:

> Sometimes an amendment is filed after the Board's decision which does not carry into effect any recommendation made by the Board and which presents a new or amended claim or claims. In view of the fact that prosecution is closed, the appellant is not entitled to have such amendment entered as a matter of right. However, if the amendment is submitted with a request for continued examination (RCE) under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e), prosecution of the application will be reopened and the amendment will be entered. See MPEP § 706.07(h), paragraph I.

In view of the above, petitioner is correct that the time period for taking action after the mailing of the Board decision to deny the rehearing request is two (2) months from the December 6, 2007, mailing date thereof. Accordingly, the mailing of the Notice of Abandonment on December 7, 2007, was premature as the

period for reply to the Board decision had not yet expired. Additionally, the appropriate reply to continue prosecution in the form of an RCE, $810 fee therefor, and the submission required by 37 CFR 1.114 were submitted within the two (2) month period for replying to the December 6, 2007, Board decision.

In view of the above, the holding of abandonment is improper. Accordingly, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

This application is being referred to Technology Center AU 2621 for processing of the RCE and for taking appropriate action in the normal course of business on the submission under 37 CFR 1.114, filed February 5, 2008.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RALPH E. JOCKE
Walker & Jocke
231 SOUTH BROADWAY
MEDINA, OH 44256

Mail Date: 04/21/2010

Applicant	: Jeffery M. Enright	: DECISION ON REQUEST FOR
Patent Number	: 7595816	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/603,266	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **589** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 15 2004

In re Application of	:	
Michael P. Hanratty	:	DECISION ON PETITION
Application No. 10/603,272	:	
Filed: June 25, 2003	:	
Attorney Docket No. 314765.0004	:	

This is a decision on the petition to make special filed on September 5, 2003. The petition is based upon the practice described in MPEP § 708.02(VIII) "Accelerated Examination." The $130.00 petition fee has been paid.

The petition is granted.

The petition to make special based upon the practice in the above mentioned MPEP section is deemed to satisfy all of the requirements thereof. Accordingly, the examiner will treat this application as special throughout its prosecution, in accordance with the examining practice set forth in items (A)-(E) pm [age 700-130 of the MPEP. Prior to the next action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3752 is being informed of this decision, and will advise the examiner to take future action consistent therewith.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P.O. BOX 120
STAMFORD, CT 06904-0120

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

McCarter & English LLP
Financial Centre, Suite 304A
695 East Main Street
Stamford CT 06901

COPY MAILED

MAR 20 2007

OFFICE OF PETITIONS

In re Application of	:	
HANRATTY	:	
Application No.: 10/603,272	:	DECISION ON PETITION
Filing Date: June 25, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 94350.00008	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed March 29, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on June 29, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue fee and publication fee is accepted as having been unintentionally delayed.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANDREA Q. RYAN
SANOFI-AVENTIS U.S. LLC
1041 ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

MAILED

APR 13 2010

OFFICE OF PETITIONS

In re Patent No. 7,604,970	:
Bamas-Jacques et al.	: DECISION ON REQUEST FOR
Issue Date: October 20, 2009	: RECONSIDERATION OF
Application No.10/603,282	: PATENT TERM ADJUSTMENT
Filed: June 25, 2003	: AND NOTICE OF INTENT
Attorney Docket No.	: TO ISSUE CERTIFICATE OF
FRAV2002/0013US NP	: CORRECTION
Title: NOVEL VARIANTS OF THE	:
PAPM POLYPEPTIDE OF BACTERIA OF	:
THE STREPTOMYCES GENUS	:

This is a decision on the petition filed on October 20, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand eight hundred seventeen (1,817) 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 **one thousand eight hundred eighty-two (1882)** days is **GRANTED TO THE EXTENT INDICATED.**

Pursuant to their duty of candor and good faith to the Office, patentees disclose that the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) patentees have informed the Office that there is an instances in which a 65 day reduction is required. Patentees contend that a response to the restriction requirement of November 4, 2008 was submitted on April 10, 2009. However, a review of the record shows that a response was filed on November 14, 2008. A non-final Office action was mailed on January 21, 2009 to which a reply was submitted on April 10,

2009, which was within the shortened three-month reply period. Thus a 65-day reduction is not 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 one thousand eight hundred eighty-two (1,882) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,604,970 B2

DATED : **October 20, 2009** **DRAFT**

INVENTOR(S) : Bamas-Jacques. 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 1532 days

Delete the phrase "by 1532 days" and insert – by 1882 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 12 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Ramon Tam *et al*
Application No. 10/603,300
Filed: June 25, 2003
Attorney Docket No. 0212.67133

: DECISION ON PETITION

This is a decision on the petition to make special filed on June 28, 2004. The petition is submitted pursuant to the practice established in MPEP § 708.02(II) "Infringement." The $130.00 petition fee has been received.

The petition is granted.

A review of the petition shows that petitioners have satisfied all of the requirements of the above-cited MPEP section. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the first action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3724 will be notified of this decision, and will inform the assigned examiner to take action not inconsistent there with this decision.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner,
Technology Center 3700

Greer, Burns & Crain, LTD.
300 South Wacker Drive
Suite 2500
Chicago, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Sep-09

Paper No. __

POLSTER, LIEDER,
WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE/SUITE 200
ST. LOUIS MO 63131-3615

COPY MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Patent No. 6,789,462 :
Issue Date: 14 September, 2004 :
Application Number: 10/603,312 :
Filing Date: 24 June, 2003 : ON PETITION
Attorney Docket No.: HAMM 8409U1 :

This is a decision on the petition filed on 10 November, 2008, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

NOTE:

Petitioners always are reminded that that they should ensure that a proper Maintenance Fee Address Notice is filed in connection with issued patents.

BACKGROUND

Patent No. 6,789,462 (the '462 patent) issued on 14 September, 2004. The first maintenance fee could have been paid during the period from 14 September, 2007, through 14 March, 2008, or, with a surcharge, during the period from 15 March, 2008, through 14 September, 2008. Accordingly, the patent expired after midnight 14 September, 2008, for failure to pay timely the first maintenance fee.

The petition was filed on 10 November, 2008. Because the instant petition was submitted within twenty-four months after the six-month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed under the provisions of 37 C.F.R. §1.378(c).

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

Patent No. 6,789,462
Application Number: 10/603,312

The maintenance fee is hereby accepted—the appropriate fees were submitted *via* check—and the above-identified patent is reinstated as of the mail date of this decision.

The patent file is being returned to IFW Files Repository.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

VINCENT J. MACRI
5 TIMBER BROOK LANE
DURHAM, NH 03824

COPY MAILED

MAR 16 2005

OFFICE OF PETITIONS

In re Application of :
Vincent J. Macri :
Application No. 10/603,331 :
Filed: June 26, 2003 :
Attorney Docket No. None :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2005, to revive the above-identified application.

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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item 1. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the application cannot be revived until the issue fee is paid.

It is noted that petitioner submitted the $300 publication fee and a partial issue fee payment of $332 on September 28, 2004. On January 21, 2005 petitioner submitted another partial issue fee payment of $332. However, effective December 8, 2004, the issue fee for a small entity was increased to $700. Since the balance of the issue fee is being paid after December 8, 2004, applicant must pay the new amount of $700. The issue fee submitted to date is deficient by $36.

Accordingly, 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 the issue fee deficiency and a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PETITION
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(703) 872-9306**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

JUL 0 7 2005

OFFICE OF PETITIONS

VINCENT J. MACRI
5 TIMBER BROOK LANE
DURHAM, NH 03824

In re Application of
Vincent J. Macri
Application No. 10/603,331
Filed: June 26, 2003
Attorney Docket No. None

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 24, 2005.

The application became abandoned for failure to pay the issue fee on or before September 23, 2004. A Notice of Abandonment was mailed on January 13, 2005. The present petition is filed in response to a Decision Dismissing Petition mailed March 16, 2005.

The renewed petition is found to comply with the requirements of 37 CFR 1.137(b). According, the petition is **GRANTED**.

The application is being forwarded to Publishing Division.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (703) 305-8283.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PETER LOFFLER
P.O. BOX 1001
NICEVILLE, FL 32588-1001

COPY MAILED

FEB 13 2006

OFFICE OF PETITIONS

In re Application of	:	
Namon A. Nassef	:	
Application No. 10/603,336	:	DECISION ON PETITION
Filed: June 26, 2003	:	TO WITHDRAW
Attorney Docket No. 230339	:	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 3, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

37 CFR § 41.41(a)(1) requires that Appellant file a reply brief to an examiner's answer within two months from the date of the examiner's answer. The date of the examiner's answer was December 20, 2005. 37 CFR 41.41(c) also states that extensions of time under 37 CFR § 1.136 (a) of this title for patent applications are not applicable. Extensions of time as set forth 37 CFR § 1.136 (b) to reply for patent applications. No request for extension of time has been filed or granted under 37 CFR 1.136(b). Since less than thirty (30) days remain between the date of approval and the later of the expiration date of a time to file the reply brief or request on oral hearing, the request for withdrawal as an attorney or agent 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 Irvin Dingle at (571) 272-3210.

Denise Pothier
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

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

COPY MAILED

NOV 10 2008

In re Application of	:	
GREGG, David W.	:	
Application No. 10/603,340	:	DECISION ON PETITION
Filed: June 25, 2003	:	TO WITHDRAW
Attorney Docket No. **64245**	:	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 02, 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 Brian B. Diekhoff on behalf of all attorneys of record who are associated with customer No. 27148. 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 is an outstanding Office action mailed September 19, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVID W. GREGG**
23516 W. 53RD TERRACE
SHAWNEE, KS 66226

cc: **ROCK N ROLLER LLC**
P.O. BOX 560
OAK GROVE, MO 64075

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED
AUG 2 8 2006
OFFICE OF PETITIONS

In re Application of
Udo Dinger
Application Number: 10/603,368
Patent: 6,902,283
Attorney Docket No: 29476/14657B
Filing Date: June 25, 2003
Issue Date: June 7, 2005

DECISION ON PETITION

This is a decision on the petition filed June 9, 2006 under 37 CFR 3.81 (b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Granted**.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Charlema R. Grant
Petitions Attorney
Office of Petitions

[1]See 69 Fed. Reg. 29865 (May 26, 2004).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WAGNER MURABITO AND HAO LLP
THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE CA 95113

COPY MAILED

APR 1 6 2004

OFFICE OF PETITIONS

In re Application of	:
Barton et al.	:
Application No. 10/603,415	: DECISION DISMISSING
Filed: 24 June, 2003	: PETITION
Atty Docket No. CT-S090-1D US	:

This is a decision in reference to the paper filed on 27 October, 2003, which is treated as a petition, requesting that the above-identified application be accorded a filing date of 24 June, 2003, with Page 66 of the specification as a part of the original disclosure.

On 24 June, 2003, the application was filed.

On 15 September, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 24 June, 2003, but that Page 66 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 27 October, 2003, the present petition was filed. Petitioners concede that Page 66 was inadvertently omitted from the application, but states that the above-identified application is a division of Application No. 09/210,085, and incorporated the entire disclosure of the prior application by reference.

The petition is dismissed.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the

appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, however, petitioners neither assert that the missing page of specification was deposited on 24 June, 2003, nor request the 27 October, 2003 (the date the drawings were supplied), filing date.

MPEP 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), <u>without the need for a petition</u>. (emphasis supplied)

Obviously, in view of the incorporation by reference of the prior application, Page 66 of the specification is not new matter if it was a part of the disclosure of the prior application.

Petitioner should file Page 66 as a preliminary amendment. If Page 66 is filed as a preliminary amendment, it will be reviewed by the examiner for new matter.

The application will be processed using only the application papers present on filing. The copy of Page 66 of the specification filed with the present petition will not be processed for examination, but will be retained in the application file.

As this petition was necessitated by applicants' filing error rather than an error on the part of the Office, a petition fee of $130.00 will be charged to counsel's deposit account, No. 50-2641, as authorized in the petition.

The attorney docket number has been corrected as requested in the present petition. A corrected Filing Receipt is enclosed for petitioners' reference.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 24 June, 2003, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cf: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

COPY MAILED

APR 27 2004

OFFICE OF PETITIONS

In re Application of :
George A. Zimmerman et al. :
Application No. 10/603,417 :
Filed: June 24, 2003 :
Attorney Docket No. :
SLRFLR.0004P :
Title: METHOD AND APPARATUS FOR :
EQUALIZATION AND CROSSTALK :
MITIGATION :

DECISION ON PETITION
UNDER 37 C.F.R. §1.53(e)

This is a decision on the "Petition for retraction of notice of omitted items," filed December 15, 2003, which is properly treated as a petition under 37 C.F.R. §1.53(e), requesting the application be accorded a filing date of June 24, 2003 with Figure thirteen considered part of the original disclosure.

The application was deposited on June 24, 2003. However, on November 10, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Nonprovisional Application - Filing Date Granted" (Notice), stating that the application appeared to have been deposited without Figure thirteen.

In response, on December 15, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure thirteen, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings in 17 sheets" in the United States Patent and Trademark Office (Office) on June 24, 2003. Applicants request that Figure thirteen be accorded a filing date of June 24, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. It is noted that

BEST AVAILABLE COPY

sixteen pages of drawings have been located in the electronic file. However, the evidence is convincing that the application papers deposited on June 24, 2003 included seventeen pages of drawings, including Figure thirteen, and the sheet containing this figure was subsequently misplaced in the Office[1].

Therefore, the application, including Figure thirteen, was complete on filing and entitled to a filing date of June 24, 2003.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with;

- a filing date of June 24, 2003,
- using the original application papers filed on that date, as well as Figure thirteen submitted on December 15, 2003, and;
- for indication in Office records that seventeen sheets of drawings, including Figure thirteen, were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 See MPEP 503.

BEST AVAILABLE COPY

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 4/26/2004

2 Serial/Patent # 10/603,417

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	None	12/15/03	$ 130.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND: $ 130.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 50--2200

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

PTO lost the papers

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Paul Shanoski TITLE: Senior Atty

SIGNATURE: Paul Shanoski PHONE: 305-0011

OFFICE: Ofc of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Alicia Kell DATE: April 28 04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-07

HITACHI GLOBAL STORAGE TECHNOLOGIES
INTELLECTUAL PROPERTY LAW
5600 COTTLE ROAD (NHGB/014-2)
SAN JOSE CA 95193

COPY MAILED

MAY 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Duane Q. Huynh	:	DECISION ON PETITION
Application No. 10/603419	:	
Filed: 06/24/2003	:	
Attorney Docket Number:	:	
SJO920020001US1	:	

This is a decision on the petition under 37 CFR 1.137(b),[1] filed on 15 February, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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.

This application became abandoned on 4 January, 2006, for failure to file a timely reply to the final Office action mailed on 3 October, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply were filed in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on 27 September, 2006.

The petition lacks the required reply. The only proper reply to a final Office action is a Notice of Appeal and fee, Request for Continuing Examination and submission under 37 CFR 1.114, a continuing application, or an amendment placing the application in *prima facie* condition for allowance. The examiner has determined that the amendment filed on 15 February, 2007, does not place the case in *prima facie* condition for allowance. An Advisory Action is enclosed for petitioner's information.

Additionally, the statement of unintentional delay in the petition does not track the language of 37 CFR 1.137(b)(3), which 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. As such, it is recommended that petitioner use the enclosed form when filing a renewed petition. No additional petition fee is due.

Lastly, the address in the petition is different than the correspondence address. A courtesy copy of this decision is being forwarded to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Advisory Action
PTO/SB/64

Cc: RONALD B. FEECE
ZILKA-KOTAB PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/603,419	HUYNH, DUANE Q.	
	Examiner	Art Unit	
	Tianjie Chen	2627	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *2-4,6,7,10-12,17 and 18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: See Continuation Sheet.

Chen Tianjie

TIANJIE CHEN
PRIMARY EXAMINER

Continuation of 13:
All claims were rejected and not amended.
In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Aug-07

HITACHI GLOBAL STORAGE TECHNOLOGIES
INTELLECTUAL PROPERTY LAW
5600 COTTLE ROAD (NHGB/014-2)
SAN JOSE CA 95193

COPY MAILED

AUG 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Duane Q. Huynh	:	
Application Number: 10/603419	:	ON PETITION
Filing Date: 06/24/2003	:	
Attorney Docket Number:	:	
SJO920020001US1	:	

This is a decision on the renewed petition filed on 12 July, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on 4 January, 2006, for failure to file a timely reply to the final Office

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

action mailed on 3 October, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply were file in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on 27 September, 2006. The petition filed on 15 February, 2007, was dismissed on 21 May, 2007.

With the present petition, petitioner filed a Request for Continued Examination (RCE) under 37 CFR 1.114, including a submission in the form of an amendment.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application file is being referred to Technology Center Art Unit 2627 for consideration of the RCE and IDS filed on 23 March, 2006.

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

Cc:

RONALD B. FEECE
PO BOX 721120
SAN JOSE CA 95172-1120

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.go

The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

COPY MAILED

AUG 17 2006

OFFICE OF PETITIONS

In re Application of
Hiroyoshi Kazumori
Application No. 10/603,433
Filed: June 25, 2003
Attorney Docket No. 116-031068

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed March 14, 2005, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On May 14, 2004, the Office mailed a nonfinal Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on August 15, 2004. A Notice of Abandonment was mailed on July 11, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the nonfinal Office Action.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the nonfinal Office Action, and in the absence of any irregularity in the mailing, there is a strong presumption that the nonfinal Office Action was properly mailed to the address of record. This presumption may be overcome by a showing that the nonfinal Office action was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances

that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicant submitted a copy of docket record where the nonfinal Office Action would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the nonfinal Office Action was not received. Accordingly, applicant presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2881 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new nonfinal Office Action. The three (3) month shortened statutory time period for responding to the nonfinal Office Action will be set to run from the mailing date of the new nonfinal Office Action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,433	06/25/2003	Hiroyoshi Kazumori	116-031068	4312

28289 7590 08/22/2006

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER
HASHMI, ZIA R

ART UNIT	PAPER NUMBER
2881	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

COPY MAILED

AUG 17 2006

OFFICE OF PETITIONS

In re Application of :
Hiroyoshi Kazumori :
Application No. 10/603,433 :
Filed: June 25, 2003 :
Attorney Docket No. 116-031068 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed March 14, 2005, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On May 14, 2004, the Office mailed a nonfinal Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on August 15, 2004. A Notice of Abandonment was mailed on July 11, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the nonfinal Office Action.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the nonfinal Office Action, and in the absence of any irregularity in the mailing, there is a strong presumption that the nonfinal Office Action was properly mailed to the address of record. This presumption may be overcome by a showing that the nonfinal Office action was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances

that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicant submitted a copy of docket record where the nonfinal Office Action would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the nonfinal Office Action was not received. Accordingly, applicant presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2881 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new nonfinal Office Action. The three (3) month shortened statutory time period for responding to the nonfinal Office Action will be set to run from the mailing date of the new nonfinal Office Action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA NY 14850

COPY MAILED
SEP 02 2008

In re Application of	:	
Combs	:	
Application No. 10/603,443	:	DECISION
Filed: 25 June, 2003	:	
Attorney Docket No. RAP-1	:	

This is a decision on the petition filed on 14 May, 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 under 37 C.F.R. §1.181 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 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

In the alternative, Petitioner may file a petition under 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay. (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 C.F.R. §1.137(b).

A petition alleging "unintentional" delay under 37 C.F.R. §1.137(b) must be accompanied by the petition fee, and Petitioner always should refer to the Office website (http://www.uspto.gov/main/howtofees.htm) to ensure submission of the proper fees. (A specific fee is not stated here because fee amounts change and there is no way to know when Petitioner will submit materials for filing.))

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw the Holding of Abandonment

Petitioner's attention is drawn to the guidance in the Commentary at MPEP §711.03(c).[1]

---

[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

*****

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 CFR 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 CFR 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 CFR 1.137(a) based on unavoidable delay; and (2) a petition under 37 CFR 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 CFR 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 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). 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.

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. Petitioner has failed to make the showings of search and non-discovery with the documentary presentations discussed herein (and set forth in the footnote,

---

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 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 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 CFR 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 CFR 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 CFR 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

infra, and the showings as to docketing and calendaring, again with documentary support—all in support of the averment of nonreceipt..

Petitioner has included nearly 40 pages of records, but due to the absence of detail as to application numbers and transaction occurring/due throughout and as to the docket number and title in many of the items over those 40 pages, it is not possible to interpret and/or evaluate the documents submitted. While Petitioner certainly may redact private financial and/or proprietary information, the documents submitted must at least provide such transparency as might allow the Office to discern what is presented.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply to the final Office action (copy enclosed) mailed on 25 September, 2007, with reply due absent extension of time on or before 26 December, 2007.

The application went abandoned by operation of law after midnight 25 December, 2007.

The Office mailed the Notice of Abandonment on 3 April, 2008.

On 14 May, 2008, Petitioner filed the instant petition averring, *inter alia*, non-receipt of the Office action in question and supporting that with a statement of Petitioner and of Petitioner's paralegal, along with some 40 pages of documents from Petitioner's docketing system. It is noted, however, that the absence of detail as to application numbers and transaction(s) occurring/due throughout and as to the docket number and title in many of the items within those 40 pages appears to remove the possibility for the Office to interpret and/or evaluate the documents submitted.

Petitioner may redact private financial and/or proprietary information, the documents submitted must at least provide such transparency as might allow the Office to discern what is presented.

Thus, as of this writing Petitioner has not satisfied the requirements discussed at MPEP §711.03(c), set forth *in extenso* herein and always available online at www.uspto.gov . Moreover, the petition is set forth in a third-person fashion without the appropriate first-persons statements required.

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.

STATUTES, REGULATIONS

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).

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 has not complied with the showing requirements set forth at MPEP §711.03(c)(I)(A) and/or (B).

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where

[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).

appropriate 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 was unintentional." (The statement is in the form available online.)

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.**

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,443	06/25/2003	Robert G. Combs	RAP-1	4374

20808 7590 09/25/2007
BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA, NY 14850

EXAMINER
JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,443	COMBS, ROBERT G.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- 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 *May 30, 2007*.

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) *1-14* 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) *1-14* 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 *25 June 2003* 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 _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed May 30, 2007, with respect to the rejection(s) of claim(s) 1-14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 102

2. 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 –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-7, and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Laird et al. (6,647,361).

Regarding claim **1**, Laird et al. discloses a system for collecting, storing, and reviewing data related to events occurring under the direction of an automated controller, comprising: a) a digital signal capture card for sensing and collecting discrete digital signals as digital data (Figs. 28 and 29 – memory fields 765, 767, and 803; col. 23, lines 62-64; col. 24, lines 3-5; col. 25, lines 16-17 – these memory fields indicate whether the car is a violator or non-violator and the

current traffic light phase); b) a multi-port serial port expansion card for sensing and collecting digital communication messages as serial data (Figs. 28 and 29; col. 23, line 46 – col. 25, line 6 – speeds and times are all collected and stored); c) a video frame grabber and compression card for sensing and collecting video signals as video data (Figs. 28, 29, and 32); d) means for indexing and storing the digital data and video data (Figs. 28 and 29); e) means for relating occurrence of a particular item of a particular data type, whether digital, serial or video, to the most closely time-related data item from the other data types (Figs. 28, 29, and 32 – all data is stored accordingly and displayed together for review); and f) a display for control of the system and presentation of recorded data to a user during review (Fig. 32; col. 26, line 65 – col. 28, line 32).

Regarding claim **3**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1 including that the reviewed video data are presented in picture format of still image or time-motion video images (Fig. 32).

Regarding claim **4**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1 including that the reviewed serial communication data are presented in time-ordered message sequence (Fig. 32 – details window (820); col. 27, lines 41-52).

Regarding claim **5**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1, including that the reviewed serial communication data are presented as recorded in hexadecimal or ASCII format (Fig. 32 displays ASCII characters).

Regarding claim **6**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1 including that the reviewed serial communication data are translated according to message parsing rules (Fig. 32 displays the time and information in the correct format – parsing is the process of analyzing a sequence of tokens (codes) to determine its grammatical structure with respect to a given formal grammar).

Regarding claim **7**, Laird et al. discloses a system for collecting, storing, and reviewing data related to events occurring under the direction of an automated controller, comprising a display for displaying data, operatively connected to: a) means for sensing and collecting discrete digital signals as digital data (Figs. 28 and 29 – memory fields 765, 767, and 803; col. 23, lines 62-64; col. 24, lines 3-5; col. 25, lines 16-17 – these memory fields indicate whether the car is a violator or non-violator and the current traffic light phase); b) means for indexing and storing the digital signals (Figs. 28 and 29); c) means for sensing and collecting serial digital communication messages as serial data (Figs. 28 and 29; col. 23, line 46 – col. 25, line 6 – speeds and times are all collected and stored); d) means for indexing and storing the serial signals (Figs. 28 and 29); e) means for sensing and collecting video signals as video data (Figs. 28, 29, and 32); f) means for indexing and storing the video signals (Figs. 28 and 29); g) means for relating occurrence of a particular item of a particular data type, whether digital, serial or video, to the most closely time-related data item from the other data types, retrieving and displaying the time-related data

items, according to data the type and data item directed by the user, wherein the display displays each data type, whether digital, serial or video, in a time-synchronized manner, and wherein the user directs a displayed time of any individual data type, whether digital, serial or video, and the remaining two data types are automatically moved to a newly directed time (Figs. 28, 29, and 32 – all data is stored accordingly and displayed together for review; col. 26, line 65 – col. 28, line 32).

Regarding claim **9**, Laird et al. discloses all the limitations as previously discussed with respect to claim 7 including that the reviewed video data are presented in picture format of still image or time-motion video images (Fig. 32).

Regarding claim **10**, Laird et al. discloses all the limitations as previously discussed with respect to claim 7 including that the reviewed serial communication data are presented in time-ordered message sequence (Fig. 32 – details window (820); col. 27, lines 41-52).

Regarding claim **11**, Laird et al. discloses all the limitations as previously discussed with respect to claim 7, including that the reviewed serial communication data are presented as recorded in hexadecimal or ASCII format (Fig. 32 displays ASCII characters).

Regarding claim **12**, Laird et al. discloses all the limitations as previously discussed with respect to claim 7 including that the reviewed serial communication data are translated according to message parsing rules (Fig. 32 displays the time and information in the correct format – parsing is the process of

analyzing a sequence of tokens (codes) to determine its grammatical structure with respect to a given formal grammar).

Regarding claim **13**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1 including that one or more of said serial digital communication messages are transmitted via serial communication port and wherein said digital signals are asserted via a digital input/output card (Fig. 5).

Regarding claim **14**, Laird et al. discloses all the limitations as previously discussed with respect to claims 1 and 13 including that the recorded video is output for viewing (Fig. 32 displays the video being outputted).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laird et al. as applied to claim 1 above, and further in view of Auty et al. (U.S. Patent 5,809,161).

Regarding claim **2**, Laird et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the reviewed discrete digital data are presented in graphical strip chart format.

Referring to the Auty et al. reference, Auty et al. discloses reviewing traffic information wherein the reviewed discrete digital data are presented in graphical strip chart format (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have graphically shown digital data as taught by Auty et al. in the system as disclosed by Laird et al. in order to allow the reviewer to easily correlate related data visually.

Regarding claim **8**, Laird et al. discloses all the limitations as previously discussed with respect to claim 7, but fails to disclose that the reviewed discrete digital data are presented in graphical strip chart format.

Referring to the Auty et al. reference, Auty et al. discloses reviewing traffic information wherein the reviewed discrete digital data are presented in graphical strip chart format (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have graphically shown digital data as taught by Auty et al. in the system as disclosed by Laird et al. in order to allow the reviewer to easily correlate related data visually.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-

7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
September 17, 2007

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA NY 14850

COPY MAILED
DEC 01 2008
OFFICE OF PETITIONS

In re Application of	:	
Combs	:	
Application No. 10/603,443	:	DECISION
Filed: 25 June, 2003	:	
Attorney Docket No. RAP-1	:	

This is a decision on the petition filed on 3 November, 2008, considered as a petition under 37 C.F.R. §1.137(b) to revive the application 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 to the final Office action (copy enclosed) mailed on 25 September, 2007, with reply due absent extension of time on or before 26 December, 2007.

The application went abandoned by operation of law after midnight 25 December, 2007.

The Office mailed the Notice of Abandonment on 3 April, 2008.

On 14 May, 2008, Petitioner filed a petition averring, *inter alia*, non-receipt of the Office action in question and supporting that with a statement of Petitioner and of Petitioner's paralegal, along with some 40 pages of documents from Petitioner's docketing system. It is noted, however, that the absence of detail as to application numbers and transaction(s) occurring/due throughout and as to the docket number and title in many of the items within those 40 pages appears to remove the possibility for the Office to interpret and/or evaluate the documents submitted. While Petitioner may redact private financial and/or proprietary information, the documents submitted must at least provide such transparency as might allow the Office to discern what is presented—thus, because Petitioner had not satisfied the requirements discussed at MPEP §711.03(c)(I), the petition was dismissed on 2 September, 2008.

On Monday, 3 November, 2008, Petitioner filed the instant petition with fee pursuant to 37 C.F.R. §1.137(b) and averring unintentional delay, a reply in the form of an amendment 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]))

---

[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.

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**.

The instant application is released to Technology Center/AU (TC/AU) 2621 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[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.

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P O BOX 5052
TROY, MI 48007

COPY MAILED

DEC 19 2005

OFFICE OF PETITIONS

In re Application of	:
Thaddeus Schroeder et al	: DECISION ON PETITION
Application No. 10/603,462	: UNDER 37 CFR 1.78(a)(3)
Filed: June 25, 2003	:
Attorney Docket No. DP-306034	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 1, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional Application No. 10/356,347, filed January 31, 2003, as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1)

The amendment seeks a claim for priority under 35 U.S.C. § 120 to prior-filed Application No. 10/356,347. However, there is no common inventor between the instant application and Application No. 10/356,347. The statute requires that an application claiming benefit of the earlier filing date under 35 U.S.C. § 120 be filed by an inventor or inventors named in the previously filed application. An inventor search of Office records indicates that petitioner may be seeking to claim priority to Application No. 10/356,457, as this application was filed on January 31, 2003 and has an inventor in common with the present application.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) (no additional fee required) and a substitute amendment (complying with 37 CFR 1.121) setting forth the correct application number must be submitted.

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) 272-3218.

Frances Hicks
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

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P O BOX 5052
TROY, MI 48007

COPY MAILED

JUL 0 6 2006

OFFICE OF PETITIONS

In re Application of
Thaddeus Schroeder et al
Application No. 10/603,462
Filed: June 25, 2003
Attorney Docket No. DP-306034

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 4, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/356,457, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), 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 benefit of priority under 35 U.S.C. § 120 to the above-noted application is accepted as being unintentionally delayed.

A corrected Filing Receipt, which includes the priority benefit claim to the above-noted, prior-filed application, accompanies this decision on petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application(s). In order for the instant application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) 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 instant application is entitled to the benefit of the earlier filing date.

Any inquiries concerning this decision may be directed to the undersigned at (571) 372-3218.

This matter is being referred to Technology Center Art Unit 2862 for consideration by the Examiner of applicant's claim under 35 U.S.C. § 120 for the benefit of priority to the above-noted, prior-filed application.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 05/19/2010

Applicant	: Prasad Miriyala	: DECISION ON REQUEST FOR
Patent Number	: 7620056	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/603,500	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

COPY MAILED

AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of Gilbert :
Application No. 10/603,513 : Decision on Petition
Filing Date: June 24, 2003 :
Attorney Docket No. ARC3080R1 :

This is a decision on the petition filed April 30, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted.**

Facts:

The declaration filed with the application gave power of attorney to all practitioners associated with Customer No. 27777. The declaration also stated all correspondence should be mailed to the address associated with Customer No. 27777.

On January 5, 2004, an "Associate Power of Attorney and Change of Correspondence Address was filed." The paper stated all future correspondence should be sent to:

Samuel E. Webb
Alza Corporation
c/o Johnson & Johnson
One Johnson & Johnson Plaza,WH3321
New Brunswick, NJ 08933
Customer No. 27777

The paper stated the practitioners associated with Customer No. 30766 should be recognized as Associate Attorneys of Record.

The address was changed to the address above except the new address omitted the "WH3321" portion of the address.

The associate power of attorney was not entered.

Effective June 25, 2004, the Office eliminated Associate Power of Attorney Practice (37 CFR 1.34(b) was eliminated).[1] However, the Office stated, "Any associate power of attorney filed before this date will continue to be effective.

A request to change the address of record was filed August 9, 2004. The request was signed by Adenike Adebiyi. Adebiyi is one of the practitioners associated with Customer No. 30766. The Office did not change the address of record.

A non-final Office action was mailed June 28, 2005. The non-final Office action set a three (3) month shortened statutory period for reply.

The Office action was returned undelivered by the USPS on July 8, 2005. The returned envelope has the delivery address marked out and is stamped with the words, "Return to Sender."

A reply was not filed in response to the June 28, 2005 Office action. Therefore, the application became abandoned on September 29, 2005.

A Notice of Abandonment was mailed April 19, 2007.

The instant petition was filed April 30, 2007.

Discussion:

Petitioner contends the Office mailed the June 28, 2005 Office action to an incorrect address because the Office failed to enter the change of address filed August 9, 2004.

The Office has never permitted applicants to give an Associate Power of Attorney to all attorneys associated with a Customer number. Therefore, the Office acted properly when it did not enter the Associate Power of Attorney filed January 5, 2004.

Since the Associate Power of Attorney was not entered, the August 9, 2004 request to change the address of record was not signed by a practitioner of record. Therefore, the Office acted properly when it failed to change the address of record.

The holding of abandonment will be withdrawn because the Office failed to properly enter the address submitted on January 5, 2004. The January 5, 2004 paper actually listed two different addresses. The Office would have acted properly if it had used either of the two addresses as the address of record. The first address was the address associated with Customer No. 27777. The Office did not enter the address associated with Customer No. 27777. The second address was

Samuel E. Webb
Alza Corporation
c/o Johnson & Johnson

[1] *See* Revision of Power of Attorney and Assignment Practice, 69 Fed. Reg. 29865 (May 26, 2004); 1283 Off. Gaz. 148 (Jun. 22, 2004).

One Johnson & Johnson Plaza,WH3321
New Brunswick, NJ 08933
Customer No. 27777

The address of record was changed to the address above except for the omission of the "WH3321." As a result, the Office failed to send the June 28, 2005, to a correct address.

Since the June 28, 2005 Office action included an incorrect address and was returned by the USPS, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Current Power of Attorney and Address of Record:

The only practitioners of record at this time are the practitioners associated with Customer No. 27777.

The address of record has been changed to the address associated with Customer No. 27777.

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. Therefore, it petitioner wishes for future mail to be sent to the address on the petition, a request to change the address of record signed by a practitioner of record must be filed.

Action to be taken by Technology Center Art Unit 3621:

Technology Center Art Unit 3621 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the June 28, 2005 Office action to the address of record.

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

cc: Dewipat Incorporated
PO Box 1017
Cypress, TX 77410-1017

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

OCT 17 2003

OFFICE OF PETITIONS

In re Application of GRANNEMAN et al. Application No. 10/603,515 Filed: June 24, 2003 Attorney Docket No. ASMINT.002C3	: : : : :	DECISION DISMISSING PETITION AS MOOT

This is a decision on the petition filed September 2, 2003, requesting that the above-identified application be accorded a filing date of June 24, 2003.

The petition is **dismissed as moot.**

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is June 24, 2003. Therefore, the petition is moot.

The $130.00 petition fee will be refunded to Deposit Account No. 11-1410.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

3643

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BAKER & DANIELS
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204-1782

COPY MAILED
FEB 05 2004
OFFICE OF PETITIONS

In re Application of
Miller
Application No. 10/603,525
Filed: June 25, 2003
Attorney Docket No. SMLR0002.01
FOR: CULTIVATION OF MORCHELLA

DECISION GRANTING PETITION

This is a decision on the petition filed November 12, 2003 (certificate of mailing date November 10, 2003) requesting, in effect, withdrawal of the Notice to File Missing Part(s) of Nonprovisional Application (Notice), mailed September 10, 2003, insofar as the Notice alleges Figure 6 was omitted upon initial filing. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on June 25, 2003. On September 10, 2003 , the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figure 6 described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figure 6 be accorded a filing date of June 25, 2003 on the basis that 5 sheets of drawing figures, including drawing figure 6, were received in the Patent and Trademark Office (PTO) on June 25, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 25, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 5 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 5 sheets of drawing figures, including drawing figure 6, were filed on June 25, 2003. MPEP 503. A review of the original application papers reveals that only 4 sheets of drawings depicting Figures 1a-1c, 2a-2b, 3a-3f, 4, and 5 are present. Accordingly, the request is **GRANTED**.

The $130.00 petition fee submitted with the instant petition will be credited to deposit account no. 02-0390.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **June 25, 2003**, using the copy of drawing figure 6 submitted with the instant petition. Office records will be corrected to show that 5 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 2/4/04

2 Serial/Patent # 10/603,525.

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	?	11/12/03	$ 130
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 130

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 02--0390

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Postcard proves allegedly omitted drug fig was present on day 1. Refund pet fee

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E Shirene Willis TITLE: Pet Attny

SIGNATURE: E Shirene Willis PHONE: 308-6712

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [illegible] DATE: 2/5/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED
JUN 21 2006
OFFICE OF PETITIONS

In re Application of	:
Helmut JERG	: DECISION ON PETITIONS
Application No. 10/603,531	: UNDER 37 CFR 1.183 AND
Filed: June 25, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2000P13026WOUS	:

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP01/14191, filed December 4, 2001, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. 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 the examiner of Technology Center Art Unit 1723 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/603,531	06/25/2003	1723	880	2000P13026WOUS	1	12	2

CONFIRMATION NO. 4119

CORRECTED FILING RECEIPT

OC000000019345679

46726
JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 06/20/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Helmut Jerg, Giengen, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP01/14191 12/04/2001

Foreign Applications

GERMANY 10065660.9 12/29/2000
If Required, Foreign Filing License Granted: 09/10/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/603,531

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Filter

Preliminary Class

210

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DEC 0 2 2004 JC110 PATENT & TRADEMARK OFFICE

PTO/SB/83 (09-04)

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/603,573
Filing Date	06/24/2003
First Named Inventor	Tai, Yu-Chong
Art Unit	1753
Examiner Name	Not Yet Assigned
Attorney Docket Number	020859-002410US

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 4/26/05
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record
- ☐ all the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☒ all the attorneys/agents associated with Customer Number **20350**

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: **At the request of the client: California Institute of Technology**

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name	Stephen Maebius				
Address	Foley & Lardner 3000 K. Street N.W., Suite 500				
City	Washington	State	DC	Zip	20007
Country	U.S.A				
Telephone	202-672-5569	Fax	202-672-5399		
Signature					
Name	Richard T. Ogawa	Registration No.	37,692		
Date	11/22/04	Telephone No.	(650) 326-2400		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

60359400 v1

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FORTKORT GRETHER & KELTON LLP
9442 N. CAPITAL OF TEXAS HWY.
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Eric J. Gould et al.	:	
Application No. 10/603,581	:	DECISION ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. **MNKYP004B**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 15, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 16, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response with a terminal disclaimer; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

The power of attorney filed April 18, 2005 and resubmitted with the petition on October 25, 2007, is accepted and made of record.

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 is being referred to Technology Center AU 2157 for appropriate action on the concurrently filed response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason

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

FitzPatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, New York 10112-3801
Attn: Jason Okun

COPY MAILED

SEP 05 2006

OFFICE OF PETITIONS

In re Application of
Takahashi et al
Application No. 10/603,609
Patent No: 6,953,426 B2
Filed: June 26, 2003

: DECISION DISMISSING LETTER

This letter is in response to patenteess' "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed February 24, 2006 advising the Office of a discrepancy in the PTA determination. The Office thanks patentees for their good faith and candor in bringing any discrepancy to the attention of the Office.

The letter submitted by Patentees is **Dismissed.** The patent term adjustment at the time of the issuance of the patent is confirmed.

Patentees assert that there is a discrepancy in the PTA determination. Patentees do not provide information as to why such determination is incorrect. If patentees point out specifically why they believe such to be inaccurate, the Office would review such alleged inaccuracy.

Upon review of the determination, the PTA determination is accurate. The delay in issuing the patent was one hundred and nineteen days under 37 CFR 1.702(a)(4). Patentees delayed on one occasion under 37 CFR 1.704(b) for a period of four days and delayed under 37 CFR 1.70(4)(c)(7) by a period of twenty-three (23) days. Accordingly, patentees delay amounted to 27 days. Accordingly, the correct a mount of PTA is ninety-two (92) days.

Because this letter was submitted out of good faith and candor, no fee will be assessed concerning this letter.

Any questions related to this decision can be addressed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: PAIR calculation

PALM INTRANET

Day : Saturday
Date: 9/2/2006
Time: 11:51:21

PTA Calculations for Application: 10/603609			
Application Filing Date:	06/26/2003	PTO Delay (PTO):	119
Issue Date of Patent:	10/11/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	27
Post-Issue Petitions:	0	Total PTA (days):	92
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
46	10/11/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	119		42
45	09/08/2005	RECEIPT INTO PUBS			
44	09/07/2005	DISPATCH TO FDC			
43	09/07/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
42	02/14/2005	ISSUE FEE PAYMENT VERIFIED			
41	09/07/2005	RECEIPT INTO PUBS			
40	03/28/2005	RECEIPT INTO PUBS			
39	02/15/2005	ISSUE FEE PAYMENT RECEIVED			
38	11/22/2004	EXPORT TO INITIAL DATA CAPTURE			
37	01/20/2005	RECEIPT INTO PUBS			
36	11/30/2004	RECEIPT INTO PUBS			
35	11/29/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
34	11/15/2004	MAIL NOTICE OF ALLOWANCE			
33	11/10/2004	WORKFLOW INCOMING AMENDMENT IFW			
32	11/10/2004	ISSUE REVISION COMPLETED			
31	11/10/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
30	11/10/2004	NOTICE OF ALLOWABILITY			
29	11/10/2004	DATE FORWARDED TO EXAMINER			
28	10/27/2004	RESPONSE AFTER NON-FINAL ACTION		23	24
27	10/27/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
26	10/27/2004	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
25	10/12/2004	DATE FORWARDED TO EXAMINER			
24.1	10/04/2004	INFORMAL OR NON-RESPONSIVE AMENDMENT			

		AFTER EXAMINER ACTION			
24	10/04/2004	RESPONSE AFTER NON-FINAL ACTION		4	22
23	10/04/2004	WORKFLOW INCOMING AMENDMENT IFW			
22	06/30/2004	MAIL NON-FINAL REJECTION			
21	06/09/2004	NON-FINAL REJECTION			
20	06/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	05/21/2004	CASE DOCKETED TO EXAMINER IN GAU			
18	03/25/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	08/28/2003	REFERENCE CAPTURE ON IDS			
16	08/28/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/02/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	02/18/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	02/18/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	09/11/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	09/02/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	11/11/2003	TRANSFER INQUIRY TO GAU			
9	09/10/2003	APPLICATION RETURN FROM OIPE			
8	09/11/2003	APPLICATION IS NOW COMPLETE			
7	09/10/2003	APPLICATION RETURN TO OIPE			
6	09/10/2003	APPLICATION DISPATCHED FROM OIPE			
5	09/10/2003	APPLICATION IS NOW COMPLETE			
4	08/21/2003	CASE CLASSIFIED BY L&R			
3	08/21/2003	CLEARED BY OIPE CSR			
2	07/20/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/26/2003	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY STANGER & MALUR
1800 DIAGONAL RD
SUITE 370
ALEXANDRIA VA 22314

COPY MAILED

APR 0 4 2005

OFFICE OF PETITIONS

In re Application of
Matsubara, et al.
Application No. 10/603,624
Filed: June 26, 2003
Attorney Docket No. KAS-185

DECISION ON PETITION

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION", filed August 12, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of June 26, 2003, with page 15 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on June 26, 2003. However, on June 28, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a NonProvisional Application." Applicants were notified that the application papers had been accorded a filing date of June 26, 2003; however, page 15 of the specification appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a copy of page 15 of the specification. Applicants maintain that the application as originally filed included page 15. In support thereof, applicants submitted a receipt identifying this application, itemizing "Specification (15 pp.)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of June 26, 2003, and lacking any notation of non- receipt of any item listed.

A receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, no petition fee was required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 26, 2003, using the application papers received in the Office on that date and page 15 of the specification as resupplied on petition filed August 12, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER & MALUR, P.C.
SUITE 370
1800 DIAGONAL ROAD
ALEXANDRIA VA 22314

COPY MAILED

JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Matsubara et al.	:	
Application No. 10/603625	:	ON PETITION
Filing Date: 06/26/2003	:	
Attorney Docket Number: KAS-183	:	

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 24, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SALLY J. BROWN
AUTOLIV ASP, INC.
3350 AIRPORT ROAD
OGDEN, UT 84405

COPY MAILED

MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Alan A. Boisvert, et al. :
Application No. 10/603,631 : ON PETITION
Filed: June 25, 2003 :
Attorney Docket No. 11721-031 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 8, 2004, to revive the above-identified application.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed November 5, 2003. The Notice required replacement claim(s) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and 1.121. A Notice of Abandonment was mailed on October 14, 2004. In response the present petition was filed.

The petition is **GRANTED**.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

12-5-06

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,081,057
Inventor(s) : Ken Edward Kallies
Issued : July 25, 2006
Title : DRIVENPULLEY STSTEM WITHREMOVABLE CAM
Docket No. : 3057-72313

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If 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.

In view of the foregoing, your request is hereby denied.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or (703) 305-8309

Richard A. Rezek
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RON LANE
2 KAKIAT LANE
SPRING VALLEY NY 10977

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Ronald S. LANE :
Application No. 10/605,663 : DECISION ON PETITION
Filed: October 16, 2003 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 14, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 22, 2005, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1 and 3.

Petitioner failed to provide an amendment that *prima facie* places the application in condition for allowance.

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (more than two (2) years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on February 23, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). As Ronald S. Lane (Lane) was the party having the right to reply at the date of abandonment, Lane should explain why this application became abandoned while it was under his control and what efforts Lane made to further reply and with whom this matter was discussed. When did Lane become aware of the abandonment of this application? Additionally, Lane must explain the circumstances surrounding the discovery of the abandonment of this application (more than two (2) years) after the mailing of the Notice of Abandonment.

Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), Lane and whoever else was involved with this application at the time of abandonment. Statements are required from the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office

action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent

abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted i1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (two (2) years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
>
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless

of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

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) 272-4231.

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

COPY MAILED

FEB 1 3 2006

OFFICE OF PETITIONS

Rader, Fishman, & Grauer PLLC
1233 20th Street, N.W.
Suite 502
Washington DC 20036

In re Application of
Sasaki et al.
Application No. 10/603,688
Filed: June 26, 2003
Attorney Docket No. SON-2768

: DECISION GRANTING PETITION

This Office action is in response to applicant's "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT" timely[1] filed on July 7, 2005 requesting that the Office adjust the calculation from 49 days.

Applicants request for reconsideration of patent term is **GRANTED.** The Office will adjust the PTA calculation in PAIR. In addition, the Office will *sua sponte* issue a certificate of correction reflecting a determination of eighty-five (85) days.

Applicants assert that the determination is in error because the applicants filed the response to the missing parts within three months as required under 37 CFR 1.704(b). Applicants assert that the Office treated the response by applicants as having been filed on January 16, 2004, not December 11, 2003. Accordingly, applicants argue that the thirty-six day reduction is improper.

The applicants arguments are persuasive. Specifically, the file reflects that applicants did file the reply to the notice to file missing parts on December 11, 2003 as suggested by applicants. Accordingly, the applicants did not fail to engage in reasonable efforts to conclude prosecution of the application with their response to such notice. The application does reflect that the Office did not issue the application within four months as required under 37 CFR 1.702(a)(4). Moreover, the file history reflects a one hundred and twenty day delay for the submission of a 312 amendment that is a reduction under 37 CFR 1.704(c)(10). Accordingly, the overall determination at the time of the issuance of the patent application is eighty-five (85).

After payment of the issue fee the application will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction.

---

[1]Issue fee paid on 8/5/2005.

The Office has assessed the $200.00 fee under 37 CFR 1.18(e). No additional fees are required by this decision.

Any questions concerning this decision should be directed to Kery A. Fries, at 571-272-7757.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC Adjusted PAIR calculation
Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,911,844 B2

DATED : Jun. 28, 2005

INVENTOR(S) : Sasaki 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 (49) days

Delete the phrase "by 49 days" and insert -- by 85 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

meb

Mailed: 9-4-07

In re application of :
Hidetoshi Ohnuma : DECISION ON
Serial No. 10/603,689 : PETITION
Filed: June 26, 2003 :
For: EXPOSURE METHOD, MASK FABRICATION METHOD, FABRICATION METHOD OF SEMICONDUCTOR DEVICE, AND EXPOSURE APPARATUS :

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION, dated July 23, 2007.

On January 12, 2007, a non-final Office action was mailed to applicants. The Office action contained rejections of claims 21-30 under 35 USC 102 over Irie et al. A reply to the Office action was filed on April 3, 2007. In the reply, various amendments to several of the claims were made, including amending claims 25 and 26 into independent form.

On July 11, 2007, a final Office action was mailed. Among the rejections was a new grounds of rejection of claims 25 and 26 under 35 USC 103 (a) rejection over the combination of Irie et al. and newly cited art to Gabriel et al. The examiner stated in the office action that the new grounds of rejection were necessitated by Applicant's amendments to the claims and the Office action was made final.

Petitioner has argued that the finality of the last Office action is improper. Petitioner argues that the new grounds of rejection were not necessitated by Applicant's amendments.

DECISION

Section 706.07(a) of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Upon review of the prosecution history, the examiner's position is correct. As correctly indicated by the examiner in paragraph 1 of the Final Office action of July 11, 2007, "Claim 25,

filed December 27, 2006, does not have the added subject matter "forming an absorption film on said V-line reflective mask, said absorption film being adapted to absorb said light". Claim 26, filed December 27, 2006, does not have the added subject matter, "forming an absorption film on said H-line reflective mask, said absorption film being adapted to absorb said light". The text of any added subject matter must be shown by underlining the added text." Therefore, Claims 25 and 26, as rejected under 102 over Irie et al. in the January 12, 2007 non-final Office Action, did not have the limitations of "forming an absorption film on said V-line reflective mask, said absorption film being adapted to absorb said light" and "forming an absorption film on said H-line reflective mask, said absorption film being adapted to absorb said light". These limitations were first included in claims 25 and 26 with the reply of April 3, 2007. In the final Office action of July 11, 2007, the examiner introduced the Gabriel et al. reference to meet these new limitations in claims 25 and 26, as specifically indicated in paragraph 5 of that final Office action. Therefore, the applicant's amendments did indeed necessitate the new grounds of rejection of claims 25-26 over Irie et al. in view of Gabriel et al. Accordingly, the examiner properly made the July 11, 2007 Office action final.

The Petition is **DENIED**.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

RONALD P. KANANEN
RADER FISHMAN AND GRAUER PLLC
1233 20TH ST NW STE 501
WASHINGTON, DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AVAGO TECHNOLOGIES, LTD.
P.O. BOX 1920
DENVER CO 80201-1920

COPY MAILED

APR 13 2007

OFFICE OF PETITIONS

In re Application of
McColloch, et al.
Application No. 10/603,714
Filed: June 25, 2003
Attorney Docket No. 10020919-1
For: OPTICAL CABLE WITH INTEGRATED ELECTRICAL CONNECTOR

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed December 16, 2005, requesting that the Office withdraw the holding of abandonment of the above-identified application. The petition is being treated as a request under 37 CFR 1.181 for clarification of the date of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

As a preliminary matter, it is noted that 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.

This application was held abandoned for failure to seek court review of the Board of Patent Appeals and Interferences Decision on Appeal within two months of the October 20, 2005 decision. A Notice of Abandonment was mailed on December 2, 2005.

Petitioners argue that the application was not abandoned when the December 2, 2005 Notice of Abandonment was mailed.

Petitioners' argument is well taken. 37 CFR 1.197(b)(2) Return of jurisdiction from the Board of Patent Appeals and Interferences; termination of proceedings states: The date of termination of proceedings on an application is the date on which the appeal is dismissed or the date on which

the time for appeal to the U.S. Court of Appeals for the Federal Circuit or review by civil action (§ 1.304) expires in the absence of further appeal or review.

Where no claim stands allowed, the proceedings in an application or *ex parte* reexamination proceeding are terminated as of the date of the expiration of the time for filing court action.

No claims were allowed in this application. Therefore, the application became abandoned on December 21, 2005. The petition under 37 CFR 1.181 is **granted** and the December 2, 2005 Notice of Abandonment is **vacated** because it was mailed prematurely.

No petition fee has been or will be charged in connection with this matter.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: KLAAS, LAW, O'MEARA & MALKIN, P.C.
1999 BROADWAY, SUITE 2225
DENVER, CO 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Martin Korn
LOCKE LIDDEL & SAPP LLP
2200 Ross Ave.
Suite 2200
Dallas, TX 75201-6776

(For Patent Owner)

MAILED

FEB 14 2005

REEXAM UNIT

In re Perry et al.
Reexamination Proceeding
Control No. 90/006,192
Filed: January 14, 2002
For: U.S. Patent No. 6,160,621

In re reissue application of
Perry et al.
Application No. 10/603,740
Filed: June 26, 2003
For: U.S. Patent No. 6,160,621

DECISION MERGING REEXAMINATION AND REISSUE PROCEEDINGS

The above-identified reissue application and reexamination proceeding are before the Office of Patent Legal Administration for consideration of whether the proceedings should be merged at this time.

REVIEW OF FACTS

1. U.S. Patent No. 6,160,621 issued to Perry, et al., on December 12, 2000.

2. Reexamination of the '621 patent was requested by the patent owner on January 24, 2002, and the resulting reexamination proceeding was assigned Control No. 90/006,192.

3. Reexamination was ordered in the '6192 proceeding on March 29, 2002.

4. A non-final rejection was mailed in the '6192 proceeding on October 25, 2002.

5. On January 2, 2003, a response was filed in the '6192 proceeding, which amended claims 1-21.

6. A second non-final rejection was mailed in the '6192 proceeding on May 14, 2003.

7. Patent owner filed a reissue application based on the '621 patent, on June 26, 2003, which was assigned Application No. 10/603,740. Claims 1-2, 11-12 and 21-22 were cancelled and claims 3-6, 8-10, 13-16, 18-20, 23-26 and 28-31 were amended.

8. On July 10, 2003, a response was filed in the '6192 proceeding, and a supplemental response was filed on July 25, 2003.

9. Notice of the filing of the reissue application was published in the *Official Gazette* on September 30, 2003.

DISCUSSION REGARDING MERGER

Under 37 C.F.R. § 1.565(d):

> (d) If a reissue application and a reexamination proceeding on which an order pursuant to § 1.525 has been mailed are pending concurrently on a patent, a decision will normally be made to merge the two proceedings

or to suspend one of the two proceedings....

As evidenced by the above review of facts, the reissue application and the reexamination proceeding are currently pending. Since the Order has been mailed pursuant to § 1.525 in the '6192 reexamination proceeding, a decision under § 1.565(d) is timely.

The general policy of the Office is that examination of reissue and reexamination proceedings will not be conducted separately and at the same time for a single patent. The reason for this policy is to prevent inconsistent, and possibly conflicting, amendments from being introduced into the multiple proceedings on behalf of the patent owner. Normally, the proceedings will be merged when it is desirable to do so in the interest of expediting the prosecution of all of the proceedings. In making a decision on whether or not to merge the multiple proceedings, consideration will be given to the status of each proceeding. See MPEP 2285.

A review of the prosecution history of the '6192 reexamination file shows that in the amendment of January 2, 2003, claims 1-21 were amended.

A review of the reissue (Application No. 10/603,740) prosecution history shows that the reissue application was published in the *Official Gazette* on September 30, 2003. In the reissue application, patent owner has cancelled claims 1-2, 11-12 and 21-22 and amended claims 3-6, 8-10, 13-16, 18-20, 23-26 and 28-31. Therefore, the claims are **not** identical in both proceedings.

In order to provide efficient and prompt handling of both proceedings, and to prevent inconsistent and possibly conflicting amendments from being introduced on behalf of the patent owner, it is appropriate that the reissue and the reexamination proceedings be merged and a joint examination be conducted. Accordingly, the examination of the reissue application and the reexamination proceeding will be conducted in accordance with the decision set forth below.

DECISION MERGING THE REISSUE AND REEXAMINATION PROCEEDINGS

I. Merger of Proceedings

The above-identified reissue and reexamination proceedings are merged. A joint examination will be conducted in accordance with the guidelines and requirements which follow.

II. Requirement for Same Amendments in Both Proceedings

The patent owner is required to maintain identical amendments in the reissue application and the reexamination file for purposes of the merged proceeding. The maintenance of identical amendments in both files is required as long as the proceedings remain merged. See 37 C.F.R. § 1.565(d). As noted above with regard to the amendments submitted, the claims are NOT the same in both files. **An appropriate housekeeping amendment is required within ONE (1) MONTH of this decision placing the same amendments in both cases**, specifically, Application No. 10/603,740, and Control Number 90/006,192. The response to the requirement must be limited to placing the same amendments in both cases, and patent owner must **not** address the issues of either of the proceedings in the housekeeping amendment. The housekeeping amendment should be submitted as a single paper, including the identifying data for both files (*i.e,* the reissue Application No. and the reexamination proceeding Control No.) and a signature, and should be filed in duplicate for entry into each of the reissue and reexamination files.

It should be noted that the housekeeping amendment for the merged proceeding should be provided in the proper format for reissue applications. **Amendments in a reissue application must be in compliance with 37 C.F.R. § 1.173,** therefore all amended claims should contain bracketing and underlining with regard to the original patent text pursuant to 37 C.F.R. § 1.173(b)(2), (d) and (g) and all new claims must be completely underlined pursuant to 37 C.F.R. § 1.173(b)(2) and (d)(2). Please be aware that a "clean copy" of the amendment is **not** required by this rule. **Note that amendment practice pursuant to 37 C.F.R. § 1.121 does not apply to reissue applications, as specifically indicated in 37 C.F.R. § 1.121(a) and (i), and therefore "Revised Amendment Practice" does not apply to reissue applications.** Therefore, the required housekeeping amendment must be in compliance with 37 C.F.R. § 1.173, *e.g.*, all amended claims should contain bracketing and underlining with regard to the original patent text pursuant to 37 C.F.R. § 1.173(b)(2), (d) and (g).

III. Conduct of the Merged Reissue and Reexamination Proceedings

Because the statutory provisions for reissue application examination include, *inter alia*, provisions equivalent to 35 U.S.C. § 305 relating to the conduct of reexamination proceedings, the merged examination will be conducted on the basis of the rules relating to the broader, reissue application, examination. The examiner will apply the reissue statute, rules, and case law to the merged proceeding.

Each Office action issued by the examiner will take the form of a *single action* which jointly applies to the reissue application and the reexamination proceeding. Each action will contain identifying data *for both of the cases*, *i.e*, the reissue application and the reexamination proceeding. Each action will be entered into both files (which will be maintained as separate files).

Any response by the applicant/patent owner must consist of a single response, with **two copies being filed** for entry in both files, with each of the two copies bearing a signature, and containing identifying data for both of the cases (*i.e,* the reissue Application No. and the reexamination proceeding Control No.).

If the reissue application ultimately matures into a reissue patent, the reexamination proceeding shall be terminated by the grant of the reissue patent, and the reissue patent will serve as the certificate under 37 C.F.R. § 1.570. See MPEP 2285.

If the applicant/patent owner fails to file a timely and appropriate response to any Office action, the merged proceeding will be terminated as follows. The reissue application will be held abandoned, and the merger will be dissolved. With respect to the reexamination proceeding, the Commissioner will proceed to issue a reexamination certificate under § 1.570 in accordance with the last action of the Office, unless further action is clearly needed as a result of the difference in rules relating to reexamination and reissue proceedings.

If the applicant/patent owner files an express abandonment of the reissue application pursuant to 37 C.F.R. § 1.138, the next Office action of the examiner will accept the express abandonment, dissolve the merged proceeding, and continue examination as to the reexamination proceeding. Any grounds of rejection which are not applicable under reexamination would be withdrawn (*e.g.,* based on public use or sale), and any new grounds of rejection which are applicable under reexamination (*e.g.,* improperly broadened claims) would be made by the examiner upon dissolution of the merged proceeding. The existence of any questions/issues remaining which cannot be considered under reexamination following the dissolution would be noted by the examiner as not being proper under reexamination pursuant to 37 C.F.R. § 1.552(c).

If applicant/patent owner files a Request for Continued Examination (RCE) of the reissue application under 37 C.F.R. § 1.114, the reissue application is not considered to be expressly abandoned; rather the finality of the Office action is withdrawn, and the merged proceeding will continue. This is so, because an RCE is not an abandonment of any application, whether it be a reissue application or a non-reissue application.

CONCLUSION

1. The above-identified reissue application and reexamination proceeding **ARE MERGED**

into a single consolidated proceeding.

2. The reissue application file and the reexamination file are being forwarded to the Group Director of Technology Center 2800. All further examination should be conducted in accordance with this decision.

3. Pursuant to Part II of this decision, a housekeeping amendment is required **within ONE (1) MONTH of this decision**, placing the same amendments in both cases of the present merged proceeding, which amendment must be in compliance with 37 C.F.R. § 1.173.

4. The examiner should issue an Office action for the present merged proceeding of the reissue application and reexamination proceeding **after** the earlier of:

   (a) the submission of the housekeeping amendment to place the same amendments in both cases

   (b) the expiration of the ONE (1) month period from the mailing of this decision for filing the amendment.

5. It should be noted that failure to submit an appropriate "housekeeping amendment" **within <u>one month</u> of this decision** placing the same amendments in both files will result in the Office's rejection of any claim that does not contain identical text in both merged proceedings under 35 U.S.C. § 112, second paragraph, as being indefinite as to the content of the claim, and therefore failing to particularly point out the invention.

6. All further examination should be conducted in accordance with Parts II and III of this decision.

7. Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-7722.

Lynn M. Kryza
Senior Patent Special Projects Advisor
Office of Patent Legal Administration

February 9, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED
AUG 0 8 2006
OFFICE OF PETITIONS

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Patent No. 7,040,490	:
Issue Date: May 9, 2006	: DECISION DISMISSING PETITION
Application No. 10/603,758	: UNDER 37 CFR 1.78(a)(3)
Filed: June 25, 2003	:
Attorney Docket No. 2000P13027WOUS	:

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP01/14300, filed December 5, 2001, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED.**

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed June 25, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

The instant petition lacks a Certificate of Correction submission as well as the $100 Certificate of Correction fee.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a Certificate of Correction submission as well as the $100 Certificate of Correction fee will be required.

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 inquiries concerning this decision may be directed to David Bucci at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED

SEP 18 2007

OFFICE OF PETITIONS

In re Patent No. 7,040,490	: DECISION GRANTING PETITION
Issue Date: May 9, 2006	: UNDER 37 CFR 1.78(a)(3) AND
Application No. 10/603,758	: REQUEST FOR CERTIFICATE OF
Filed: June 25, 2003	: CORRECTION
Attorney Docket No. 2000P13027WOUS	:

This is a decision on the renewed petition, filed May 29, 2007, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP01/14300, filed December 5, 2001, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed June 25, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority 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.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/603,758	06/25/2003	1723	1430	2000P13027WOUS	16	2

CONFIRMATION NO. 2139

CORRECTED FILING RECEIPT

OC000000025868068

46726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 09/17/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Helmut Jerg, Giengen, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP01/14300 12/05/2001

Foreign Applications

GERMANY 10065661.7 12/29/2000

If Required, Foreign Filing License Granted: 09/10/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/603,758

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FILTER

Preliminary Class

210

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 23 2006

OFFICE OF PETITIONS

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of	:	
Michael ROSENBAUER et al.	:	DECISION ON PETITIONS
Application No. 10/603,759	:	UNDER 37 CFR 1.183 AND
Filed: June 25, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2000P13035WOUS	:	

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t), and a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP01/14299, filed December 5, 2001, set forth in the accompanying Application Data Sheet.

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. 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 the examiner of Technology Center Art Unit 3673 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SQUIRE, SANDERS & DEMPSEY L.L.P.
SUITE 300
1 MARITIME PLAZA
SAN FRANCISCO, CA 94111

COPY MAILED
AUG 2 0 2004
OFFICE OF PETITIONS

In re Application of
Syed F.A. Hossainy, et al.
Application No. 10/603,794
Filed: June 25, 2003
Attorney Docket No. 50623.221

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed May 3, 2004, 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 concurrently with the instant petition.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on June 25, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional applications was

submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Petitioner has supplied patent numbers in his amendment for claim for priority to the prior-filed nonprovisional applications. Petitioner is reminded that a claim for benefit under 37 CFR 1.78 requires that a reference to the prior-filed application(s) should identify each such prior-filed application by the application number (consisting of the series code and serial number), along with indicating the relationship of the applications. Status of the nonprovisional patent applications (whether it is patented or abandoned) should also be included. If a parent application has become a patent, the expression, "Patent No. ____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "abandoned" should follow the filing date of the parent application. *See* MPEP 201.11. Additionally, it is noted in the amendment that the incorrect filing date appears for Application No. 09/447,652 (PN 6,287,638). Petitioner should ensure that each amendment submitted contains the correct information in order to avoid delays or errors in processing the amendment.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant 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 instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this decision on petition may be directed to Retta Williams at (703) 306-5594.

This application is being forwarded to Technology Center Art Unit 1762 for appropriate action on the amendment filed May 3, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Francis James Smith
747 Emerald Oaks Drive
Farmington, UT 84025

COPY MAILED

FEB 0 5 2007

OFFICE OF PETITIONS

Decision on Petition

In re Application of Smith :
Application No. 10/603,798 :
Filing Date: June 24, 2003 :
For: NON-LINEAR ADAPTIVE AM/AM AND :
AM/PM PRE-DISTORTION :
COMPENSATION WITH TIME AND :
TEMPERATURE COMPENSATION FOR :
LOW POWER APPLICATIONS :

This is a decision on the petition under 37 CFR 1.181, filed February 2, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

A request to change the address of record was filed by the inventor on September 15, 2005.

Due to clerical error by the PTO, the address of record was not changed.

A Notice of Allowance and Notice of Allowability were mailed to the incorrect address on September 6, 2006. Petitioner states neither Notice was received.

A Supplemental Notice of Allowability was mailed to the incorrect address on October 25, 2006, and was not received by petitioner.

On a date after October 25, 2006, but before November 20, 2006, petitioner's correct address was entered into Office computer records.

A new copy of the Supplemental Notice of Allowability was mailed to petitioner's correct address on November 20, 2006.

A Notice of Abandonment was mailed January 8, 2007, based on petitioner's failure to timely pay the issue fee in response to the Notice of Allowance mailed September 6, 2006.

Petitioner has demonstrated PTO error resulted in petitioner failing to receive the Notice of Allowance or Notice of Allowability mailed September 6, 2006. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2611 will be informed of the instant decision. Thereafter, the Technology Center will prepare and mail a new Notice of Allowance and a new Notice of Allowability. The time period for responding to the new Notices will be set to run from the mailing date of the new Notices.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 2 3 2005

OFFICE OF PETITIONS

Tadashi Umeda
2-11-3 Matsudo-cho
Hitachinaka City 3/2-0-016 JP JAPAN

In re Application of	:	
Tadashi Umeda.	:	LETTER
Application No. 10/603,854	:	
Filed: June 26, 2003	:	
Attorney Docket No.	:	

Reference is made to the petition under 37 CFR 1.137(a), filed May 31, 2005. The petition will be treated as request for an extension of time within the first month.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The request for an extension of time within the first month is granted.

A review of the application reveals that a non-final office action was mailed on January 6, 2005, allowing a shortened statutory period for response of three months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A reply was filed on April 5, 2005. On April 18, 2005, a Notice of Non-Compliant Amendment was mailed allowing a period of response of one (1) month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). An amendment was filed with the instant petition on May 31, 2005.

Applicant is advised that period of reply to the Notice of Non-Compliant Amendment is extendable to six months after the mailing date of the notice pursuant to 37 CFR 1.136(a). Because the maximum period for reply has not yet expired, the application cannot yet be considered abandoned. There is no remedy that can be provided pursuant to 37 CFR 1.137(a), accordingly. Instead, the petition under 37 CFR 1.137(a) is considered a request for an extension of time within the first month making the amendment filed May 31, 2005, timely. The fee for the extension of time within the first month is $60.00 (small entity). The fee will be taken from the $250.00 petition fee remitted and applicant will be refunded $190.00, in due course.

The application file is being directed to Technology Center 2800, GAU 2835 for further processing.

Questions regarding this communication may be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Tadashi Umeda
2-11-3 Matsudo-cho
Hitachinaka City 3/2-0-016 JP JAPAN

COPY MAILED

JUN 2 2 2006

OFFICE OF PETITIONS

In re Application of

Tadashi Umeda

Application No. 10/603,854

Filed: June 26, 2003

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the election/restriction requirement mailed October 12, 2005, which set a shortened period for reply of one (1) month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. On October 31, 2005, petitioner requested an extension of time within the first month, extending the period for response to December 12, 2005. Although a response was filed on January 24, 2006, it was not timely and the application became abandoned on January 1, 2006. A Notice of Abandonment was mailed on May 11, 2006.

The amendment filed April 11, 2006, is noted.

The application is being forwarded to Technology Center 2800, GAU 2835 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 5, 2008

TO SPE OF : ART UNIT 3671

SUBJECT : Request for Certificate of Correction for Appl. No 10/603873 patent no7001102

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Thomas B. Will

SPE

3671

Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001

COPY MAILED

OCT 1 9 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Cheng-Chieh Chuang
Application No. 10/603,901
Filed: October 16, 2003
Attorney Docket Number: 39524.6900

This is a decision on the petition filed September 27, 2004, under 37 CFR 1.182 in response to the Notice of Omitted Items mailed September 11, 2003.

The petition is **DISMISSED**.

The application was deposited June 25, 2003. However, on September 11, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of June 25, 2003 but advised that Figure 4b described in the specification appeared to have been omitted.

A response which included a copy of Figure 4b, purportedly omitted from the application on filing, was submitted with a statement that Figure 4b was included with the application as filed. The response filed October 16, 2003 included a petition fee in the amount of $130.00 and further asserted that "copies of all the figures were attached to the priority application, which was included with the filing documents of the present application."

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioners never submitted evidence that Figure 4b was in fact included with the application upon filing and therein, the date a copy of the omitted item, Figure 4b, was supplied is the date the application was deemed complete and thus October 16, 2003 became the filing date.

A corrected filing receipt was thus generated with October 16, 2003 as the filing date.

The agency acknowledges that a subsequent petition/response and petition fee was filed December 23, 2003 for which no Agency decision was ever rendered. The petition fee submitted December 23, 2003 has been applied and will be used for this petition.

Accordingly, since the petition filed October 16, 2003 did not satisfy the requirements of 37 CFR 1.182 it is therefore subject to dismissal. Likewise, the instant petition filed September 27, 2004 still has not stated a claim for which relief can be granted since it still does not provide evidence that the application as filed included a copy of Figure 4b.

In view thereof, the filing date will not be changed from October 16, 2003 and the updated filing receipt mailed December 2, 2003 will not be withdrawn. The application is being forwarded to Technology Center 2655 for examination in due course. If petitioners can locate evidence to substantiate the claim that Figure 4b was included in the application as filed on June 25, 2003, they may opt to file a request for reconsideration but as it stands, the responses filed October 16, 2003, December 23, 2003 and September 27, 2004 are effectively DISMISSED.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001

COPY MAILED

DEC 17 2004

OFFICE OF PETITIONS

In re Application of
Cheng-Chieh Chuang
Application No. 10/603,901
Filed: October 16, 2003
Attorney Docket Number: 39524.6900

ON PETITION

This is a decision on the request for reconsideration filed November 26, 2004, under 37 CFR 1.182, in response to the decision dismissing the petition mailed October 19, 2004.

The request for reconsideration is **DISMISSED**.

The application was deposited June 25, 2003. However, on September 11, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of June 25, 2003 but advised that Figure 4b described in the specification appeared to have been omitted. A petition asserting that Figure 4b was in fact filed with the application papers on June 25, 2003, was filed September 27, 2004 and dismissed in a decision mailed October 19, 2004 because petitioners failed to submit evidence that Figure 4b was in fact included with the application upon filing. As a result, October 16, 2003 became the filing date, the date Figure 4b was supplied.

Comes now petitioner with the instant request for reconsideration. In furtherance of their claim that a complete application was filed on June 25, 2003, petitioner proffers a copy of a post card and a complete copy of application as filed to corroborate their assertion that the application had been filed with Figure 4b.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date

stamp from the USPTO. As such, the postcard receipt does not serve as evidence that the items listed therein were received in the USPTO. If petitioner has a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition.

The filing date will not be changed and the application will be forwarded to Technology Center 2652 for examination in due course.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001

COPY MAILED

FEB 23 2005

OFFICE OF PETITIONS

In re Application of
Cheng-Chieh Chuang
Application No. 10/603,901
Filed: June 25, 2003
Attorney Docket Number: 39524.6900

ON PETITION

This is a decision on the second request for reconsideration filed February 11, 2005, under 37 CFR 1.182, in response to the second decision dismissing the petition mailed December 17, 2004.

The request for reconsideration is **GRANTED**.

The application was deposited June 25, 2003. However, on September 11, 2003, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of June 25, 2003 but advised that Figure 4b described in the specification appeared to have been omitted. A petition asserting that Figure 4b was in fact filed with the application papers on June 25, 2003, was filed September 27, 2004 and dismissed in a decision mailed October 19, 2004, as well as a request for reconsideration filed November 26, 2004 and dismissed December 17, 2004 because petitioners failed to submit evidence that Figure 4b was in fact included with the application upon filing. As a result, October 16, 2003 became the filing date, the date Figure 4b was supplied.

Comes now petitioner with yet another request for reconsideration. In furtherance of their claim that a complete application was filed on June 25, 2003, petitioner proffers a copy of a post card with a USPTO date stamp of June 25, 2003 to corroborate the assertion that the application had been filed with Figure 4b. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition the petition fee in the amount of $130.00, paid December 23, 2003, and the petition fee in the amount of $130.00, paid February 11, 2005, will be credited to deposit account 19-2814.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for a correction of the filing date to June 25, 2003 using the application papers received in the Office on June 25, 2003 and Figure 4b submitted on petition February 11, 2005.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP - 3 2004

In re Application of William S. Dworzan Serial Number: 10/603,902 Filed: June 24, 2004 For: TOOTHBRUSH WITH TUNED VIBRATING HEAD	: : : : :	PETITION UNDER MPEP 708.02 VIII

This is in response to the petition filed June 01, 2004, requesting that the above-identified application be granted Special Status under section 708.02 VIII of the MPEP and 37 CFR 1.102(d). The fee set forth in 37 CFR 1.17(h) has been paid.

The criteria set forth in section 708.02 VIII of the MPEP and 37 CRF 1.102(d) have been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

GENE SCOTT; PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA CA 92626-3440

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIE KRAWITZ
3001 CHAPEL HILL ROAD
ORANGE CA 92867-1927

COPY MAILED

AUG 06 2007

OFFICE OF PETITIONS

In re Application of :
Dworzan :
Application No. 10/603,902 : ON PETITION
Filed: June 24, 2003 :
Attorney Docket No. Dworza.W-01 :
For: TOOTHBRUSH WITH TUNED
VIBRATING HEAD

This is a decision on the petition, filed June 19, 2007 (certificate of mailing date June 13, 2007), under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within one month of the mailing of the May 6, 2005 Notice of Non-Compliant Amendment (Notice). No response being received and no extensions of time being obtained under 37 CFR 1.136(a), this application became abandoned on June 7, 2005. A Notice of Abandonment was mailed on December 14, 2005.

Applicant has submitted an amendment in reply to the May 6, 2005 Notice, an acceptable statement of the unintentional nature of the delay in responding to the May 6, 2006 Notice, and the $750.00 petition fee.[1]

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1744 for consideration of the amendment filed on June 19, 2007 (certificate of mailing date June 13, 2007).

[1] Attorney Krawitz stated during a telephone conversation with the undersigned on July 23, 2007 that the delay was due to the attorney's illness and a misfiling of Office correspondence. The delay was **not** intentional.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

10-20-06 IFW

OIPE IAP80 OCT 19 2006 PATENT & TRADEMARK OFFICE

PTO/SB/83 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/603,904
Filing Date	June 24, 2003
First Named Inventor	David J. Schuessler
Art Unit	1722
Examiner Name	James P. Mackey
Attorney Docket Number	33915-03410

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

11-30-06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [x] the attorneys/agents associated with Customer Number 27171

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Client requests that prosecution file be transferred to in-house counsel. All Milbank Tweed attorneys have been discharged from prosecution of this file.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [x] Change the correspondence address and direct all future correspondence to:

[ ] The address associated with Customer Number:

OR

[x] Firm or Individual Name	Debra D. Condino c/o Allergan				
Address	2525 Dupont Drive				
City	Irvine	State	California	Zip	92612-1599
Country	USA				
Telephone	714-246-2388	Email	condino_debra@allergan.com		

Signature			
Name	James R. Klaiber	Registration No.	41,902
Date	October 18, 2006	Telephone No.	212-530-5000

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

1/30/09

In re Application of:
HASHIZUME, KENICHI et al
Serial No. 10/603,913
Filed: June 24, 2003
Docket No. 852.0029.U1(US)
Title: PROCESS FOR MANUFACTURING A COVER

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is responsive to the petitions filed on January 14, 2009 by which petitioners request supervisory review of the election of species requirement of between Species I, claims 1-20 and 34 and Species II, 33 and 35 rendered in the Office action of July 17, 2008, traversed by the applicant on August 12, 2008 and finalized by the examiner in the Office action of November 17, 2008. The petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **dismissed as moot.**

In his January 14, 2009 petition, the petitioner requests the examiner to withdraw the election of species requirement issued on July 17, 2008 regarding two patentable distinct species I and II. The examiner stated that Species 1 contains claims 1-20 and 34 which are drawn to the integral electrical connector structure configured to removably receive at least a portion of a mating connecting member of the electronic component therein and Species 2 contains claims 33 and 35 which are drawn to the opening forms an electrical connector receiving are wherein the electrical connector receiving area configured to receive at least a portion of a connecting member of the electronic component therein. The examiner also stated that the species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

In view of the fact that the applicant in his amendment of January 15, 2009 has substantively amended the original withdrawn claims 33 and 35, the original election of species requirement of July 17, 2008 is no longer applicable. The scope of withdrawn claims 33 and 35 has been substantive changed. The applicant has effectively cancelled the original claims 33 and 35 of April 9, 2008 under the election of species requirement. Therefore, there is no restriction requirement applicable to the newly amended claims 33 and 35. However, under the

circumstances, the entire amendment as filed on January 15, 2009 will be treated as Rule 116 amendment. A response to the Rule 116 amendment of January 15, 2009, including previously withdrawn and now amended claims 33 and 35, will be issued in due course.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3726 for further consideration of the Rule 116 amendment of January 15, 2009. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, this petition is dismissed as moot.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

COPY MAILED

NOV 14 2006

OFFICE OF PETITIONS

In re Application of

Lyon Peter Harris et al.
Application No. 10/603,952
Filed: June 25, 2003
Attorney Docket No. 297912001602

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 31, 2006.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, **application transferred to another firm,** do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Proskauer Rose LLP**
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington D.C. 20036-2396

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morrison & Foerster, LLP
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024

COPY MAILED

AUG 20 2008

In re Application of	:	
Peter Lyon Harris, et al.	:	
Application No. 10/603,952	:	DECISION ON PETITION
Filed: June 25, 2003	:	TO WITHDRAW
Attorney Docket No. 14673-121CONT	:	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 22, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on April 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Proskauer Rose LLP**
1001 Pennsylvania Ave., N.W.
Suite 400 South
Washington, DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 13 2009

OFFICE OF PETITIONS

THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

In re Patent No. 7,178,531	:	
Issue Date: February 20, 2007	:	
Application No. 10/603,977	:	DECISION ON PETITION
Filed: June 25, 2003	:	
Attorney Docket No. 8982C&	:	

This is a decision on the petition filed February 23, 2009, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Matsushita Electric Works, LTD."

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from the inventors to Proctor and Gamble Company and to Matsushita Electric Works, LTD. was recorded on May 16, 2008, **after the date of issuance of this patent**. Accordingly, since the assignment

was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper.

Telephone inquiries concerning this decision on petition should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-09

CLEMENTS BERNARD MILLER
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE NC 28211

COPY MAILED

FEB 03 2009

OFFICE OF PETITIONS

In re Application of :
Jain et al. :
Application Number: 10/603995 :
Filing Date: 06/26/2003 :
Attorney Docket Number: 10.0444 :

ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(a) on October 24, 2008, which is treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on October 1, 2008, for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on June 30, 2008, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on October 23, 2008.

Petitioner asserts that the Notice of Allowance and Fee(s) Due mailed on June 30, 2008, was never received.

In support of the allegation that the Notice of Allowance and Fee(s) Due mailed on June 30, 2008 was never received, petitioners have submitted a copy of counsel's docket record and mail log, and have provided a statement by registered patent practitioner Lawrence A. Baratta, Jr., stating that practitioner's search of the file jacket indicates that the Notice of Allowance was not received. The statement additionally states that practitioner reviewed the incoming mail log from June 30, 2008 through July 15, 2008, and it did not include a Notice of Allowance for the present case. The petition further states that the IP Master docketing system is used. A copy of the mail log and docket record have been referenced in the petition and are included herewith.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on June 30,

2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance and Fee(s) Due mailed on June 30, 2008, was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) Due mailed on June 30, 2008 were not in fact received.

MPEP 711.03(c) states, in pertinent part:

> 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 docket record filed with the petition appears to be a master docket record, and is being so construed. Petitioners **must** inform the Office if this is an incorrect interpretation.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As the holding of abandonment has been withdrawn, the petition under 37 CFR 1.137(a) is unnecessary and will be dismissed as moot. The petition fee will be credited to counsel's deposit account.

The petition is **GRANTED.**

As the issue fee required by the Notice of Allowance and Fee(s) Due mailed on June 30, 2008, has been paid with the subject petition, it is unnecessary to remail the Notice of Allowance and Fee(s) Due. Rather, the application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 15 2005

In re Application of	:	
Tsutomu Honma et al	:	NOTICE OF WITHDRAWAL
Serial No. 10/603,996	:	FROM ISSUE
Filed: June 26, 2003	:	UNDER 37 CFR 1.313(b)
For: METHOD FOR MANUFACTURING	:	
A POLYHYDROXYALKANOATE	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

Bruce M. Kisliuk, Director
Technology Center 1600

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

cc: Allowed Files, PK3-910
Drafting Branch, PK3-910

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070116

DATE : January 16, 2007

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction on Patent No.: 7,078,200 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Thomas McKenzie **Art Unit** 1625

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KURT BRISCOE
NORRIS, MCLAUGHLIN & MARCUS, P.A.
220 EAST 42ND STREET, 30TH FLOOR
NEW YORK, NY 10017

COPY MAILED
JUL 16 2004
OFFICE OF PETITIONS

In re Application of :
Muller, et al. : ON PETITION
Application No. 10/603,997 :
Docket No.: Bayer 10.019.2 REI :

This is a decision on the "PETITION UNDER 37 CFR § 1.17(h) - NOTICE TO FILE CORRECTED APPLICATION PAPERS," filed April 5, 2004, wherein petitioner alleges "the originally filed items were in fact deposited with the USPTO." This petition is being treated as a petition to accord the above-identified application a filing date of November 25, 2003.

The petition is **DISMISSED**.

The application was received by the USPTO on June 25, 2003. On September 5, 2003, a Notice of Incomplete Reissue Application was mailed indicating, *inter alia*, that the application had not been accorded a filing date because the specification was missing and the application did not include at least one claim in accordance with 35 USC 112. The Notice indicated that the filing date would be the date of receipt of the required specification and at least one claim. Any assertion that the specification and at least one claim were submitted or were not necessary for a filing date must be by way of petition and petition fee.

Submitted in response to the Notice of Incomplete Reissue Application was, *inter alia*, a specification, including claims. On February 9, 2004, a Notice to File Corrected Application Papers was mailed. The Notice to File Corrected Application Papers indicated the application had been accorded a filing date of November 5, 2003, but that pages 407-408 of the specification appeared to have been omitted. The Notice to File Corrected Application Papers permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item(s) in a and accept the date of such submission as the application filing

date. An applicant asserting that the items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner argues that the postcard date stamped November 5, 2003 by the USPTO serves as evidence of the submission of a complete application on November 5, 2003, including pages 407-408.

The argument and evidence submitted by petitioner have been considered, but are not persuasive. The USPTO file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A review of the official file reveals that the application as submitted June 25, 2003 lacked a specification and at least one claim. Further review of the official application file reveals that pages 1-406 and pages 409-412 of the specification were submitted on November 25, 2003. There is no indication in the official application file that pages 407-408 were submitted. Moreover, a copy of pages 407-408 has not been submitted with the instant petition.

Petitioner states that "[a]fter reviewing the applicants' file, pages 407-408 were included in the applicants' filed papers of 5 November 2003." The fact that petitioner believes the application included pages 407-408 is not more persuasive than the actual papers shown to have been received by the official file. The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt that itemizes and properly identifies the papers that are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

In accordance with MPEP 503, a properly itemized postcard should include applicant's name(s); title of invention; number of pages of specification, claims (for nonprovisional applications), and sheets of drawing; whether oath or declaration is included; a list of any additional forms included with the application (e.g., application transmittal form, application data sheet, fee transmittal form, and /or provisional application cover sheet); and amount and manner of paying the fee.

Petitioner's postcard fails to specifically itemize the number of pages of specification submitted therefore it cannot be concluded that the specification as submitted on November 5, 2003 included pages 407-408.

Any renewed petition should be accompanied by evidence to sufficiently establish receipt in the USPTO of the items in question as well as a copy of the omitted items, i.e., pages 407-408.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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:	(703) 872-9306
By hand or delivery: service(FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office 220 20th Street S. Customer Window, **Mail Stop Petition** Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NORRIS, MCLAUGHLIN & MARCUS, PA
875 THIRD STREET
18TH FLOOR
NEW YORK, NY 10022

COPY MAILED

APR 14 2005

OFFICE OF PETITIONS

In re Application of : ON PETITION
Muller, et al. :
Application No. 10/603,997 :
June 25, 2003 :
Docket No.: Bayer 10.019.2 REI :

This is a decision on the renewed "PETITION UNDER 37 CFR § 1.17(h) - INCORRECT FILING DATE ASSIGNED," filed September 16, 2004, wherein petitioners request that the above-identified application be accorded a filing date of June 25, 2003.

The petition is **GRANTED**.

The application was received by the USPTO on June 25, 2003. On September 5, 2003, a Notice of Incomplete Reissue Application was mailed indicating, *inter alia*, that the application had not been accorded a filing date because the specification was missing and the application did not include at least one claim in accordance with 35 USC 112. The Notice indicated that the filing date would be the date of receipt of the required specification and at least one claim. Any assertion that the specification and at least one claim were submitted or were not necessary for a filing date must be by way of petition (along with required petition fee).

On November 5, 2003, a response to the Notice of Incomplete Reissue Application was submitted. The response included, *inter alia*, a specification, including claims. On February 9, 2004, a Notice to File Corrected Application Papers was mailed. The Notice to File Corrected Application Papers indicated, *inter alia*, that the application had been accorded a filing date of November 5, 2003, but that pages 407-408 of the specification appeared to have been omitted. The Notice to File Corrected Application Papers permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item(s) in a and accept the date of such submission as the application filing

date. An applicant asserting that the items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

On April 5, 2004, a petition was filed wherein it was argued that the response submitted November 5, 2003 was complete in that pages 407 and 408 were included. The petition included a return postcard date stamped November 5, 2003 by the USPTO. Petitioners argued that the postcard date stamped November 5, 2003 served as evidence of the submission of the specification on November 5, 2003, including pages 407-408. The petition was submitted untimely as the Notice mailed February 9, 2004 set forth a non-extendible two month period of time for response. Nonetheless, the petition was treated on the merits in the decision mailed July 16, 2004.

The instant renewed petition was timely submitted September 16, 2004. The arguments and evidence submitted by petitioners on renewed petition have been considered and found persuasive. The USPTO file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Notice mailed September 5, 2003 indicated that a specification had not been received and thus the application was not accorded a filing date. The response submitted November 5, 2004 was not accompanied by a petition, petition fee, and evidence of receipt of the items cited as omitted in the Notice, specifically, a copy of a return postcard. Thus, upon submission of the omitted items, the application was accorded a later filing date of November 5, 2003. Furthermore, a Notice to Correct Application Papers was mailed February 9, 2004 indicating, *inter alia*, that pages 407-408 appeared to have been omitted from the submission dated November 5, 2003.

The petition submitted April 4, 2004 included a copy of the return postcard date stamped November 5, 2003. The postcard, as indicated in the decision mailed July 16, 2004, was not specifically itemized in accordance with MPEP 503. Thus, the

postcard was not deemed *prima facie* evidence of receipt of the pages in question. The petition did not include evidence that the specification was not omitted from the application papers submitted June 25, 2003.

The instant renewed petition, however, includes a copy of a return receipt postcard date stamped June 25, 2003, the date of submission of the application papers. The postcard is not specifically itemized in accordance with MPEP 503 insofar as specific number of pages for each component referenced thereon. However, the postcard indicates the enclosure of nine components, specifically referencing "Specification and Claims in double column copy of patent format."

It is the practice of the USPTO that the person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

There is no indication on the postcard date stamped September 25, 2003 that the application papers when received on June 25, 2003 by the USPTO were reviewed and that the specification was found to be missing because presumably had the specification been absent, such would have been indicated by the USPTO on the postcard returned to petitioners. Accordingly, the evidence when viewed in the light most favorable to petitioners, would seem to establish that the application was complete, i.e., specification present, upon submission on June 25, 2003.

Accordingly, the Notices mailed September 5, 2003 and February 9, 2004 are hereby **WITHDRAWN** and the petition to accord the application a filing date of June 25, 2003 is **GRANTED**.

Since the original pages 407 and 408 of the specification cannot be located in the Office, a supplied copy will be used for examination purposes.

As petitioners have established that the application was complete upon filing, no petition fee is due in connection with this matter. A refund of the previously submitted petition fee of $130.00 has been requested from the Finance Office on petitioners' behalf.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of June 25, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

06082006

ARTZ & ARTZ, P.C.
28333 TELEGRAPH RD.
SUITE 250
SOUTHFIELD MI 48034

JUN 23 2006

In re Application of	:	
EVANS, Christopher John	:	DECISION ON PETITION
Application No. 10/604,002	:	
Filed: June 20, 2003	:	
Attorney Docket No. GEMS 0197 PA	:	

This is a decision on the petition filed November 29, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A non-final Office action was mailed February 17, 2004, setting a three-month shortened statutory period for filing a response. In the absence of a response, the application was held abandoned and a Notice of Abandonment was mailed October 5, 2004.

Petitioner asserts that a response titled, "Amendment Under 37 CFR 1.111," was timely filed by facsimile transmission on May 17, 2004. To support the assertion, petitioner submitted 1) a copy of the response titled," Amendment Under 37 C.F.R. § 1.111," 2) a copy of the certificate of transmission under 37 C.F.R. § 1.8(a) dated May 17, 2004, 3) a copy of the Auto-Reply Facsimile Transmission Report from the USPTO, and 4) a copy of the sending unit's report confirming successful transmission of eight pages.

The review of the application file reveals that the response titled, "Amendment Under 37 CFR1.111," was received and matched with the file. However, the response was not noticed by either the examiner or the technical support staff and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the response titled "Amendment Under 37 CFR1.111." From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.

Arthur Grimley, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6951286
Issue Date: October 4,2005
Application No. 10604012
Filed: June 20,2003
Attorney Docket No. 0742001863

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed November 13,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 13,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,951,286	2005-10-04	10/604,012	2003-06-20	07420.01863

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Patrick M. Bergin/	Date (YYYY-MM-DD)	2009-11-13
Name	Patrick M. Bergin	Registration Number	54994

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.go

NAIPO (NORTH AMERICA INTERNATINAL
PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

MAIL

SEP 1 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Shye-Lin Wu
Application No. 10/604,018
Filed: June 22 2003
For:

PASSIVE HARMONIC SWITCH MIXER

DECISION ON REQUEST TO
WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on August 18, 2003.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has met all of the above. Accordingly, the request is **GRANTED**.

Attorneys/agents listed in the Request to withdraw are withdrawn.

All future communications from the Office will continue to be directed to the address listed above until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/16/08

TO SPE OF : ART UNIT 1654 Cordero Garcia, Marcela

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/664022 Patent No.: 7393928

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600

SPE — Art Unit 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN B YATES III
GE ADVANCE MATERIALS
ONE PLASTICS AVENUE
PITTSFIELD MA 01201

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Patent No. 6,875,824	:	
Application No. 10/604,031	:	
Filed: June 23, 2003	:	ON PETITION
Issued: April 5, 2005	:	
Attorney Docket No. GP2-0310	:	

This is a decision on the petition filed March 13, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the city and state of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: David A. Fox
55 Griffin Road South
Bloomfield, Connecticut 06002

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : December 11, 2009

TO SPE OF : ART UNIT 1712

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~10/604031~~ 10/604,031 Patent no.6,875,824

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

Magdalene Talley

Certificates of Correction Branch

571-272-0423

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:

Delete "notche" and insert therefore -- notched -- in col. 8, line 63, instead of line 64.

1796

17 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LAITRAM, L.L.C.
LEGAL DEPARTMENT
220 LAITRAM LANE
HARAHAN LA 70123

In re Application of MARK B. COSTANZO U.S. Application No.: 10/604,033 Filing Date: 23 June 2003 Attorney Docket No.: 800769 For: RESILIENT ELASTOMERIC STRUCTURE	**DECISION** **ON PETITION** **TO CONVERT**

This decision is in response to applicants' "Petition to Under 37 CFR 1.181 to Have the Application Converted From a 35 U.S.C. 111 Filing to a 35 U.S.C. 371 national stage filing" filed on 11 August 2004 which is treated as a request to convert the above-captioned application to a national stage application of PCT/US02/01144 pursuant to 35 U.S.C. 371. The $130.00 fee has been charged to petitioner's deposit account card as authorized.

A review of the above-captioned application file verifies that it was properly processed under 35 U.S.C. 111(a). Applicant filed the above-captioned application using the Electronic Filing System (EFS) on 23 June 2003. A national stage filing under 35 U.S.C. 371 using the EFS is not allowed at this time.[1] Accordingly, the application was properly processed as a filing under 35 U.S.C. 111(a).

Nonetheless, applicant's petition to convert the application to a national stage filing will be considered. U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (*e.g.*, the loss of patent rights) where **no** other remedy is available.

In the present petition, applicants have not made a showing that a loss of patent rights would occur if the above-captioned application is a filing under 35 U.S.C. § 111(a).

According, the present petition is **DISMISSED** for lack of showing of sufficient cause.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2)**

---

[1] See Electronic Filing System - Frequently Asked Questions (FAQs) (http://www.uspto.gov/ebc/efs/faq/whattype.htm#eight)

May I electronically file an international application under 35 U.S.C. 371 National stage?

At this time EFS does not provide all the capabilities needed to author, submit and initially process electronic documents and attachments required for a complete 35 U.S.C. 371 National stage filing . . .

MONTHS from the mail date of this decision. No additional petition fee is required.

This application is being forwarded to OIPE for further processing under 35 U.S.C. 111(a).

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 306-5467
(571) 272-3286 (as of 01 October 2004)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC - 1 2004

In re Application of	:	
Chung-Yi Fang et al.	:	
Serial No. 10/604,036	:	DECISION ON PETITION
Filed: June 23, 2003	:	TO WITHDRAW AS ATTORNEY
For: TILE BASED ROUTING	:	
METHOD OF A MULTI-LAYER	:	
CIRCUIT BOARD AND RELATED	:	
STRUCTURE	:	

By papers filed on August 18, 2003, Mr. Hsu has petitioned to withdraw as attorney of record in this application.

The petition is GRANTED.

Applicant is advised that the correspondence address for this application will remain as listed below.

E. Rollins-Cross, Director
Technology Center 3700

North American International
Patent Office (NAIPO)
P.O. Box 506
Merrifield, VA 22116

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 25 2004

Paper No. 062404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
YANG *et al.*	:	
Serial No.: 10/604,040	:	DECISION ON REQUEST TO WITHDRAW
Filed: June 24, 2003	:	FROM RECORD
Attorney Docket No.: **ACMP0123USA**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

All future communications from the Office will continue to be directed to the above address until otherwise notified by applicant.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 04152004

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

JAN 25 2005

In re Application of	)	
Po-Chin Yang et al.	)	
Application No.10/604,040	)	
Filed: June 24, 2003	)	DECISION ON REQUEST TO
Attorney Docket No. ACMP0123USA	)	WITHDRAW FROM RECORD

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application has been allowed.

for

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 08-07

Paper No:__

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

RONG HUANG
8601 MIDDLETON CIRCLE
HARRISBURG NC 28075

In re Application of	:	
Huang	:	DECISION
Application No. 10/604,041	:	
Filing Date: 24 June, 2003	:	
Attorney Docket No.: (None)	:	

This is a decision on the papers filed on 16 December 2005, and properly considered as a request under 37 C.F.R. §1.181 for the withdrawal of the holding of abandonment.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petitions as considered under 37 C.F.R. §1.181 are **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

[1] **NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates that:

- Petitioner failed to reply timely and properly to Restriction requirement mailed by the Examiner on 12 April, 2005, with reply due absent extension of time on or before 12 May, 2005;
- the application went abandoned by operation of law after midnight 12 May, 2005;
- the Office mailed the Notice of Abandonment on 30 November, 2005;
- on 16 December, 2005, Petitioner filed the instant petition, recited that a reply was timely submitted, and provided a copy of that reply, and averred that a U.S. Postal Service receipt was included with the petition–it was not; moreover, Petitioner failed to comply with the receipt card practice (see: MPEP §503[2]) and with the Certificate of Mail practice

---

[2] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the

under 37 C.F.R. §1.8 (see the discussion that follows) of the Office

The Rules of Practice provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules are not complied with/followed.

Petitioner would do well to associate his application with his Customer Number so as to follow properly online the processing of the application.

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 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.[3]

---

postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

[3] 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).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i)

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).[4]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[5]

Delays in responding properly raise the question whether delays are unavoidable.[6] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[7] And the Petitioner must be diligent in attending to the matter.[8] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and

---

through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[4] 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.

[5] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[6] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[7] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[8] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[9]))

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.[10]

The commentary at MPEP §711.03(c) provides:

* * *

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). 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.

---

[9] 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.

[10] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

> §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.
>
> * * *

And the regulation requires that relief be sought within two (2) months of the act complained of.

Thus, as of this writing Petitioner appears not to have satisfied and not to be able to satisfy the showing requirement described above–and, thus, not satisfied his burden herein.

CONCLUSION

Because it appears that Petitioner has not carried his burden in the instant matter, the instant petition under 37 C.F.R. §1.181 hereby is **dismissed**.

ALTERNATIVE VENUE

Petitioner's only alternative to irretrievable abandonment may be a petition alleging unintentional delay under 37 C.F.R. §1.137(b). Petitioner may wish to file such a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply (the amendment), the petition fee, 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 was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:[11]

By mail: Commissioner for Patents[12]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[13]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[11] On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. Faxes sent to the old number no longer are routed to the new number. The number (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf.)

[12] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

[13] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MITCHELL A. SMOLOW
720 HAMPTON ROAD
SHAVERTOWN PA 18708

COPY MAILED

AUG 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Sylvester Wood	:	
Application No. 10/604,047	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 88-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed December 2, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 3, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication and for review of the drawings filed May 23, 2005.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

COPY MAILED
SEP 28 2006
OFFICE OF PETITIONS

In re Application of

John Sirowatka

Application No. 10/604,061

Filed: June 24, 2003

Attorney Docket No. 71198-0063

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), July 11, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1400.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April February 3, 2006. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on May 4, 2006. A Notice of Abandonment was mailed on June 27, 2006.

The issue fee was received on July 11, 2006.

Form PTOL-85B, filed July 11, 2006, is noted and made of record.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

AT&T Legal Department - HFZ
ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

Mail Date: 06/03/2010

Applicant	: James M. Doherty	: DECISION ON REQUEST FOR
Patent Number	: 7664096	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/604,072	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1975** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAILED

NOV 26 2004

Director's Office
Group 3700

Daniel V. Thompson
THOMPSON & GUSTAVSON, L.L.P
Dallas, Texas 75243

In re application of Lynn L. Northrup, Jr.	: : :	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 10/604073 Filed: June 25, 2003	: :	

For: **ENERGY EFFICIENT EVAPORATION SYSTEM**

This is a decision on the petition filed on June 30, 2003, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only is Petitioner makes a prompt bona-fide effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the Examiner to accomplish this purpose.

Summary: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 11/23/04

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 145
ALEXANDRIA, VA 22313-145
www.uspto.go

FEB - 9 2004

MAILED
FEB - 9 2004
OFFICE OF THE DIRECTOR
TC 3600

Dykema Gossett PLLC
2723 South States Street
Suite 400
Ann Arbor, MI 48104

In re application of	:	**DECISION ON PETITION**
Stephen L. Bruford et al.	:	**TO MAKE SPECIAL**
Application No. 10/604,075	:	**(ACCELERATED**
Filed: June 25, 2003	:	**EXAMINATION)**
For: AUTOMOTIVE TAILGATE WITH LIFT	:	
ASSIST SYSTEM - I	:	

This is in response to the petition filed on July 11, 2003 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are no directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/mjz 2/3/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHARMACIA CORPORATION
GLOBAL PATENT DEPARTMENT
POST OFFICE BOX 1027
ST. LOUIS MO 63006

COPY MAILED
SEP 26 2008

In re Application of	:	
BLUMENKOPF et al.	:	DECISION ON APPLICATION
Application No. 10/640,079	:	FOR
Filed: 08/13/2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. PC10209B	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. 1.705," filed June 18, 2008,[1] which is being treated as a petition under 37 CFR 1.705(b).

Applicant requests correction of the patent term adjustment from 348 days to 449 days partly on the basis of the Office taking in excess of three years to issue the patent.

The request for reconsideration of the 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 **258 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee

[1] This application was timely filed with payment of the Issue Fee on June 18, 2008.

is entitled to for Office failure to issue the patent within three years. See 37 CFR 1.703(b). It is noted that at the time of this decision the patent has not issued.

Applicant is given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

On March 19, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 348 days. On June 18, 2008, applicant timely filed the instant request for reconsideration of the patent term adjustment. Applicant states that the patent issuing from this application is subject to a terminal disclaimer.

Applicant asserts that the applicant should have been assessed a delay of 90 days for the filing of a Request for Continued Examination (RCE) in response to the final Office action of August 10, 2007.

A review of the application history reveals that a final Office action was mailed on August 10, 2007. However, applicant filed a RCE on February 8, 2008, in excess of the three-month period from the mailing date of the final Office action. See 37 CFR 1.704(b). Thus, applicant failed to engage in reasonable efforts to conclude prosecution of this application. The period of adjustment should have been reduced by 90 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the final Office action, November 11, 2007, ending on the date the reply was filed, February 8, 2008. See 37 CFR 1.704(b). Accordingly, an additional period of reduction of 90 days will be entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **258 days** (352 days of Office delay - 94 days of applicant delay).

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.

Applicant is reminded that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than three years after the filing date of the application that overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A) and 37 CFR 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

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 Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration

Enclosure: Copy of updated PAIR screen

Day : Friday
Date: 9/26/2008

PALM INTRANET

Time: 09:37:55

PTA Calculations for Application: 10/640079			
Application Filing Date:	08/13/2003	PTO Delay (PTO):	352
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	4
Post-Issue Petitions:	0	Total PTA (days):	258
PTO Delay Adjustment:	-90		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	09/26/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		90	
57	03/19/2008	MAIL NOTICE OF ALLOWANCE			
56	03/14/2008	ISSUE REVISION COMPLETED			
55	03/14/2008	DOCUMENT VERIFICATION			
54	03/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
53	03/14/2008	EXAMINER'S AMENDMENT COMMUNICATION			
52	03/14/2008	NOTICE OF ALLOWABILITY			
51	02/25/2008	DATE FORWARDED TO EXAMINER			
50	02/08/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
49	02/25/2008	DATE FORWARDED TO EXAMINER			
48	02/08/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
47	02/25/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
46	02/08/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
45	08/10/2007	MAIL FINAL REJECTION (PTOL - 326)			
44	08/06/2007	FINAL REJECTION			
43	05/30/2007	DATE FORWARDED TO EXAMINER			
42	05/21/2007	RESPONSE AFTER NON-FINAL ACTION			
41	02/21/2007	MAIL NON-FINAL REJECTION			
40	02/16/2007	NON-FINAL REJECTION			
39	11/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	11/22/2006	REFERENCE CAPTURE ON IDS			
37.7	11/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	35

37	11/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	12/08/2006	DATE FORWARDED TO EXAMINER			
35	11/22/2006	RESPONSE AFTER NON-FINAL ACTION		4	34
34	08/18/2006	MAIL NON-FINAL REJECTION			
33	08/17/2006	NON-FINAL REJECTION			
32	06/07/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	06/14/2006	PARALEGAL TD ACCEPTED			
30.7	06/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	27
30	06/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	06/07/2006	TERMINAL DISCLAIMER FILED			
28	06/12/2006	DATE FORWARDED TO EXAMINER			
27	06/07/2006	RESPONSE AFTER NON-FINAL ACTION			
26	03/08/2006	MAIL NON-FINAL REJECTION			
25	03/06/2006	NON-FINAL REJECTION			
24	08/13/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	01/13/2006	DATE FORWARDED TO EXAMINER			
22	12/12/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
21	11/10/2005	MAIL SUPPLEMENTAL RESTRICTION / ELECTION REQUIREMENT			
20	11/09/2005	SUPPLEMENTAL RESTRICTION			
19	09/30/2005	MAIL RESTRICTION REQUIREMENT	352		-1
18	09/28/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
17	07/09/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	03/10/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	01/20/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	01/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
13.7	08/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	08/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	08/13/2003	PRELIMINARY AMENDMENT			
11	11/10/2003	APPLICATION RETURN FROM OIPE			
10	11/10/2003	APPLICATION IS NOW COMPLETE			
9	11/10/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			

8	11/10/2003	APPLICATION RETURN TO OIPE			
7	11/08/2003	APPLICATION DISPATCHED FROM OIPE			
6	11/10/2003	APPLICATION IS NOW COMPLETE			
5	10/30/2003	CASE CLASSIFIED BY OIPE			
4	10/30/2003	CLEARED BY OIPE CSR			
3	10/30/2003	CLEARED BY OIPE CSR			
2	10/02/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/13/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

COPY MAILED
FEB 10 2005
OFFICE OF PETITIONS

In re Application of	:	
Vutukuru Murthy, et al.	:	
Application No. 10/604,099	:	ON PETITION
Filed: June 26, 2003	:	
Attorney Docket No. 120331-1	:	

This is a decision on the petition, filed February 8, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 18, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1711 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jul-07

SPECTRA LOGIC
c/o HISCOCK & BARCLAY, LLP
100 CHESTNUT STREET
2000 HSBC PLAZA
ROCHESTER NY 14604-2404

COPY MAILED

JUL 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Armagost et al.	:	
Application Number: 10/604120	:	DECISION ON PETITION
Filing Date: 06/26/2003	:	
Attorney Docket Number: 3023829	:	
US01	:	

This is a decision on the petition filed on 5 June, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application became abandoned on 26 April, 2007, for failure to timely submit corrected drawings as required by the Notice of Allowability mailed on 25 January, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 24 May, 2007.

Receipt of one (1) sheet of corrected drawings is acknowledged.

This application is being referred to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK D. LENHART
2055 BERKELEY WAY
BERKELEY CA 94704

COPY MAILED

MAY 0 1 2008

OFFICE OF PETITIONS

In re Application of :
LABERGE, STEPHEN P. :
Application Number: 10/604138 :
Filing Date: June 27, 2003 :
Title: SUBSTANCES THAT ENHANCE :
RECALL AND LUCIDITY DURING :
DREAMING

ON PETITION

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 28, 2008.

On June 27, 2003, petitioner filed the above-identified nonprovisional application, accompanied by the filing fee of $375.00. The application included two independent claims in excess of three, which required the submission of an additional claims fee in the amount of $84.00 ($42 x 2 = $84). However, petitioner did not submit the independent claims in excess of three fee on filing the application.

On November 3, 2004, the Office mailed a Notice of Informality Regarding Payment of Fee, setting a period of one month to remit the claims fee in the amount of $84.00. In response, on December 6, 2004, petitioner submitted a check for the requisite excess claims fee in the amount of $84.00.

On February 27, 2007, the Office mailed a Notice of Abandonment, indicating that the application had become abandoned for failure to file a timely and proper reply to the Notice of Informality Regarding Payment of Fee of November 3, 2004.

On January 28, 2008, petitioner filed the present petition and a copy of the cancelled check for $84.00. Petitioner asserted that the Office mailed the Notice of Abandonment in error because the amount

required by the Notice of Informality Regarding Payment of Fee was timely paid. Specifically, petitioners averred:

> [] The reason given for the notice of abandonment, "failure to reply in a timely manner to an Office communication" of 11/03/2004, is patently incorrect. The applicant has attached as exhibits B a copy of the canceled/cashed check sent in timely reply to the 11/03/2004 Office communication, and according to examiner Williams, the USPTO electronic records reflect both the timely receipt of a response to the Office communication, and the failure of the USPTO financial office to send any further notice to the agent of any problem or any need for further funds.

Petition of 01/28/08, p. 1.

The Office has considered petitioner's arguments, but does not find them persuasive. Unfortunately, the Notice of Abandonment incorrectly stated that no reply was received in response to the written notification of insufficient funds for the required claims fee. In fact, the Office received a check in the amount of $84.00 for the independent claims in excess of three fee on December 6, 2007. However, effective November 22, 2004, USPTO fees were revised, and the fees for independent claims in excess of three increased to $44.00 per claim (i.e. $88.00). Any amount paid on or after November 22, 2004, was required to be paid as shown in the revised fee schedule. The public was apprised of the change in the fee amount, and the new fee schedule was available on the USPTO website. The Office reminds petitioner that the amount of a fee due is determined by the patent fees in effect on the date on which the fee is received in the USPTO. Therefore, petitioner was required to pay the independent claims in excess of three fee due on December 6, 2004, in the total amount of $88.00. Accordingly, petitioner's payment on December 6, 2004, was insufficient in the amount of $4.00.

While the Office attempts to notify an applicant of any fee deficiency in a manner permitting a timely correction, the Office is under no obligation to do such. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction). An applicant is ultimately responsible for ensuring that fees are paid in the proper amount. See 37 CFR 1.6 and MPEP 607. Moreover, it is an applicant's responsibility to take reasonable precautions by apprising himself of the correct fee amounts before payment to the USPTO.

The showing of record is that petitioner failed to timely submit the proper fee amount. Accordingly, the application was properly held abandoned.

The petition to withdraw the holding of abandonment is **dismissed**. Any request for reconsideration must be submitted within two (2) months of the date of this decision. **This time period may not be extended**. See 37 CFR 1.181(f).

The Office notes that effective September 30, 2007, the independent claims in excess of three fee has increased to $105.00 per claim for a total of $210.00. Thus, petitioner must submit the difference between the current independent claims in excess of three fee less $84.00, for a total of $126.00. The Office reminds petitioner to apprise himself of any changes in the fee as the amount due is determined by the date of payment in the USPTO.

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b). The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant § 1.137(d).

The appropriate form is enclosed for petitioner's convenience.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK D. LENHART
2055 BERKELEY WAY
BERKELEY CA 94704

COPY MAILED

NOV 05 2008

OFFICE OF PETITIONS

In re Application of	:	
LABERGE, STEPHEN P.	:	
Application Number: 10/604138	:	ON PETITION
Filing Date: June 27, 2003	:	
Title: SUBSTANCES THAT ENHANCE	:	
RECALL AND LUCIDITY DURING	:	
DREAMING	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed July 2, 2008, to revive the above-identified application.

On June 27, 2003, petitioner filed the above-identified nonprovisional application, accompanied by the filing fee of $375.00. The application included two independent claims in excess of three, which required the submission of an additional claims fee in the amount of $84.00 ($42 x 2 = $84). However, petitioner did not submit the independent claims in excess of three fee on filing the application.

On November 3, 2004, the Office mailed a Notice of Informality Regarding Payment of Fee, setting a period of one month to remit the claims fee in the amount of $84.00. In response, on December 6, 2004, petitioner submitted a check for the requisite excess claims fee in the amount of $84.00.

On February 27, 2007, the Office mailed a Notice of Abandonment, indicating that the application had become abandoned for failure to file a timely and proper reply to the Notice of Informality Regarding Payment of Fee of November 3, 2004.

On January 28, 2008, petitioner filed a petition to withdraw the holding of abandonment, which was dismissed by the decision of May 1, 2008. In the decision, the Office indicated that it timely received petitioner's check in the amount of $84.00 for the

independent claims in excess of three fee on December 6, 2007, but that the USPTO fees had increased prior to the payment. Thus, petitioner's payment on December 6, 2004, was insufficient.

On July 2, 2008, petitioner filed the present petition under 37 CFR 1.137(b) accompanied by the balance due for the independent claims in excess of three.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner paid the petition fee, made a proper statement of unintentional delay, and submitted the required reply,

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INTERNATIONAL BUSINESS MACHINES
CORPORATION
DEPT. 18G, BLDG. 300-482
2070 ROUTE 52
HOPEWELL JUNCTION NY 12533

COPY MAILED

OCT 26 2006

OFFICE OF PETITIONS

In re Application of	:	
Joel P. Desouza et al	:	
Application No. 10/604,146	:	DECISION GRANTING PETITION
Filed: June 27, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. FIS920030091	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 8, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of October 31, 2005, is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2813.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : October 23, 2006

Patent No. :7.096,450
Inventor :Gill et al.
Patent Issued :August 22, 2006
Docket No. :BUR920020117US1

Re: Request for Certificate of Correction

Inspection of the application for the patent reveals, however, that in connection with the alleged errors to which applicant refer; the patent is printed in accordance with the record in the Patent and Trademark Office as passed to issue by the examiner. There being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

For further consideration, a new request filed under 37 CFR 1.323 which includes the required fee of $100.00 or a reconsideration filing together with documentation in support of applicants request filed under 1.322 should be submitted. Required documentation may include acknowledgement of receipt.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificate of Correction Branch. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

for Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 Ext. 123

Jack P. Friedman, Ph.D.
Schemeiser, Olsen & Watts
22 Century Hill Drive, Ste 302
Latham, NY 12110

CBN/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/09/07

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/604165** Patent No.: **7096450**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☒ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Correction at column 6, line 64, not to be implemented. [applicant is asking for deleting W1>W2, but it is W1>W07.

IBPatel

ISHWAR PATEL
PRIMARY EXAMINER

SPE

2841
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

10/604165

Cofc

ARG

OIPE IAP100 DEC 04 2006 PATENT & TRADEMARK OFFICE

TRANSMITTAL LETTER (General - Patent Issued)	Docket No. BUR920020117US1

Patentee(s): Gill et al

U.S. Patent No.	Issue Date
7,096,450	08-22-2006

Title: ENHANCEMENT OF PERFORMANCE OF A CONDUCTIVE WIRE IN A MULTILAYERED SUBSTRATE

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Certificate of Correction
Post card

Certificate
DEC 06 2006
of Correction

- ☐ No additional fee is required.
- ☐ A check in the amount of is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account 09-0456 (IBM) as described below.
  - ☐ Charge the amount of
  - ☒ Credit any overpayment.
  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Jack P. Friedman
Signature

Dated: 11-20-2006

Jack P. Friedman, Ph.D.
Registration No. 44,688
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, NY 12110
(518) 220-1850

Customer No.: 30449

cc:

I hereby certify that this correspondence is being 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" [37 CFR 1.8(a)] on 11-20-2006.
(Date)

Betty J. Zuelsdorf
Signature of Person Mailing Correspondence

Betty J. Zuelsdorf
Typed or Printed Name of Person Mailing Correspondence

P17A/REV05

DEC 08 2006

PTO/SB/44 (04-04)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,096,450

DATED : August 22, 2006

INVENTOR(S) : Gill et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 5
Line 17, delete "$J_2 \# J_1$"and insert --$J_2 \geq J_1$--

Column 6
Line 54, delete "L1" and insert -- L_1--
Line 62, delete "W1" and insert -- W_1 --
Line 62, delete "W0" and insert -- W_0--
Line 64, delete "W1>W2" and insert -- $W_1 > W_2$ --

Column 8
Line 7, delete "V0" and insert -- V_0 --
Line 40, delete "V0" and insert -- V_0 --

Column 9
Line 41, delete "$S_3 \# S_1$ and $S_4 \# S_2$"and insert -- $S_3 \leq S_1$ and $S_4 \leq S_2$--
Line 52, delete "S3 and S4 in relation to S1 and S2" and insert -- S_3 and S_4 in relation to S_1 and S_2 --
Line 63, delete "increase" and insert -- reduce --
Line 64, delete "S4" and insert -- S_4 --

Column 14
Line 10, delete "number # wherein, is" and insert -- number ϵ wherein ϵ is --
Line 12 delete "tolerance # may" and insert -- tolerance ϵ may --

MAILING ADDRESS OF SENDER: Jack P. Friedman, Ph.D.
Reg. No. 44,688
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, NY 12110

PATENT NO. 7,096,450

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 08 2006

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-01-06

TO SPE OF : ART UNIT 1756

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/604181** Patent No **7014958**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: The petition filed 3/10/2004 has been dismissed.

MARK F. HUFF **SPE** 1756 **Art Unit**

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.go

8-24-07

In re Patent No. 7,014,958	:	
Issue Date: 3/21/2006	:	**DECISION DISMISSING**
Appl No.: 10/604,181	:	**PETITION**
Filed: June 30, 2003	:	*37 CFR 1.324*
For: Method for Dry Etching Photomask Material	:	
	:	

This is a decision on the petition under 37 CFR 1.48, filed 3/10/2004. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is dismissed.

A petition to correct inventorship as provided by 37 CFR 1.324 requires (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part, (2) a statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, (3) a statement from all assignees of the parties submitting a statement under "(1)" and "(2)" agreeing to the change of inventorship in the patent; such statement must comply with the requirements of 37 CFR 3.73(b); and (4) the fee set forth in 37 CFR 1.20(b). **This petition lacks item(s): statements from the current named inventors agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change.**

Mark F. Huff
Supervisory Patent Examiner
Art Unit 1756
Patent Examining Group 1700

MCGUIRE WOODS LLP
1750 TYSONS BLVD.
SUITE 1800
MCLEAN, VA 22102-4215

-2 JUN 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Smith Hopen, PA
180 Pine Avenue North
Oldsmar, FL 34677

In re Application of:	:	
KILLINGER, Dennis	:	
U.S. Application No.: 10/604,182	:	
Filing Date: June 30, 2003	:	DECISION
Attorney's Docket No.: 1372.08.PRWOUS	:	
For: OPEN-PATH/FREE-SPACE OPTICAL COMMUNICATION SYSTEM AND METHOD USING REFLECTED OR BACKSCATTERED LIGHT	:	

This decision is in response to applicant's "Petition to Add Unintentionally Delayed Domestic Priority Claim (37 CFR 1.178(a)(3))" dated April 23, 2010, which is being treated as a request to accept of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) and 37 CFR 1.78(a)(3) to international application PCT/US2002/02866. Because the international application claims priority to a prior filed provisional application, the petition is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in an amendment to the first sentence of the specification, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) applicant's statement that "the entire delay between the date the claim for domestic priority was due was due under 37 CFR 1.78(a)(2)(ii) and the date of this petition was filed was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that any Filing Receipt 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 this application is entitled to the benefit of the earlier filing date.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2613 for appropriate action on the amendment submitted April 23, 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Francis J. Thornton
4205 Ethan Allen Highway
Charlotte, VT 05445

COPY MAILED

SEP 16 2005

OFFICE OF PETITIONS

In re Application of	:	
John M. Blondin, et al.	:	
Application No. 10/604,183	:	ON PETITION
Filed: June 30, 2003	:	
Attorney Docket No. BUR920020146US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to the non-final Office action mailed December 10, 2004.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to Technology Center 2800.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/604,191	06/30/2003	1772	996	FIS920030057US1	4	29	4

CONFIRMATION NO. 3161

CORRECTED FILING RECEIPT

OC000000012515493

29505
DELIO & PETERSON, LLC
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

Date Mailed: 05/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

GOVINDARAJAN NATARAJAN, PLEASANT VALLEY, NY;

Assignment For Published Patent Application

INTERNATIONAL BUSINESS MACHINES CORPORATION, ARMONK, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/24/2003

Projected Publication Date: 12/30/2004

Non-Publication Request: No

Early Publication Request: No

Title

SUPPORTED GREENSHEET STRUCTURE AND METHOD IN MLC PROCESSING

Preliminary Class

428

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC.
P.O. BOX 19928
ALEXANDRIA VA 22320

COPY MAILED

SEP 2 9 2004

OFFICE OF PETITIONS

ON PETITION

In re Application :
Reiner Eschbach et al. :
Application No. 10/604,200 :
Filed: June 30, 2003 :
Attorney Docket No. 112221 :

This is a decision on the petition filed under 37 CFR 1.181(a)(3) to correct drawings in an Image File Wrapper.

The petition is **GRANTED**.

The above referenced application was filed electronically on June 30, 2003 and included, inter alia, 9 sheets of drawings identified as 1/9, 2/9 .....9/9.

Apparently, according to the petition, the certified copy of the application included incorrectly identified the drawings and that the drawings from some other application were included with this application file.

A review of the file indicates that the correct drawings are now included with this application. In fact the file reveals that nine sheets of drawings (Figures 1-9) were included with the original application papers as filed on June 30, 2003, that while a filing date was granted, a Notice to File Corrected Application Papers was mailed September 22, 2003 and that in response, replacement drawings were submitted on October 27, 2003. Additionally, another set of drawings, identical to the drawings filed on October 27, 2003 accompany this petition.

Insofar as it relates to the drawings, the drawings were timely filed, the image file wrapper is correct, the application has been accorded a filing date and no further pre-examination review is needed with respect to this application. No petition fee is due and none has been charged.

The application will be forwarded to Technology Center 2626 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC.
P.O. BOX 19928
ALEXANDRIA VA 22320

In re Application of
Gaurav Sharma et al.
Application No. 10/604,201
Filed: June 30, 2003
Attorney Docket No: 114790

In re Application of
Gaurav Sharma et al.
Application No. 10/604,197
Filed: June 30, 2003
Attorney Docket No: 114790

In re Application of
Gaurav Sharma et al.
Application No. 10/604,198
Filed: June 30, 2003
Attorney Docket No: 114790

In re Application of
Gaurav Sharma et al.
Application No. 10/604,199
Filed: June 30, 2003
Attorney Docket No: 114790

COPY MAILED

OCT 0 6 2005

OFFICE OF PETITIONS

ON PETITION

This is a response to the petition, under 37 CFR 1.181, filed March 8, 2005 and resubmitted again on May 9, 2005, in Application No. 10/604,201, to merge that file with the files in Application Nos. 10/604,197, 10/604,198 and 10/604,199 and that the filing fees in Application Nos. 10/604,197, 10/604,198 and 10/604,199 be refunded. The petition is being treated under 37 CFR 1.182.

The petition is **GRANTED**.

Petitioner argues that three attempts to file the application(10/604,197, 10/604,198 and 10/604,199) using the Electronic Filing System (EFS), were each met with error messages that led the applicant to believe that the applications had not been accepted. It was on the fourth attempt (10/604,201) that it appeared that the application had been accepted.

As such, the showing of record is that the applications filed on June 30, 2003, were each processed as new applications and that it was due to Office error. Accordingly, the papers present in the file of Application Nos. 10/604,197, 10/604,198 and 10/604,199 will be merged into the file of Application No. 10/604,201.

The filing fees paid on June 30, 2003 in Application Nos. 10/604,197, 10/604,198 and 10/604,199 will be refunded to petitioner.

This matter will be referred to the Office of Initial Patent Examination for merging the file of application nos. 10/604,197, 10/604,198 and 10/604,199 into. 10/604,201. Application Nos 10/604,197, 10/604,198 and 10/604,199 will no longer be active serial numbers. All future correspondence concerning these applications should be directed to application No. 10/604,201.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions