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THE LAW OFFICES OF STEVEN MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN, CT 06457

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SEP 30 2008

OFFICE OF PETITIONS

In re Patent No. 7,311,467 :
Issue Date: December 25, 2007 :
Application No. 10/677,770 : ON PETITION
Filed: October 1, 2003 :
Attorney Docket No. 2222 :

This is a decision on the petition under 37 CFR 1.182, filed September 4, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **granted**.

The Office of Data Management is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to the Office of Data Management for issuance of the duplicate Letters Patent.

Since the address given in the instant petition differs from the address of record, a courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, future correspondence will be mailed to the address of record until otherwise instructed.

The patent file is being referred to the Files Repository.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 ext 119.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/OPPD, South Tower 8th Floor, Room C23
FAX No. (571) 270-9753

Charles G. Nessler
Box H
Chester, CT 06412

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AUG 29 2007

OFFICE OF PETITIONS

In re Patent No. 7,187,946 :
Issued: March 6, 2007 : LETTER REGARDING PTA AND
Application No. 10/677,784 : CERTIFICATE OF CORRECTION
Filed: October 2, 2003 :
Atty. Dkt. No.: 2541 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed January 10, 2007. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 7,187,946 on March 6, 2007. The patent issued with a patent term adjustment (PTA) of 429 days. Patentees request review of the application.

A review of the calculation of PTA reveals two errors. Accordingly, the correct calculation of adjustment is as set forth herein.

An adjustment of 349 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) in connection with the non-final Office action mailed November 16, 2005. The adjustment began December 3, 2004, the day after the date that is 14 months after the date that the application was filed, and ended November 16, 2005, the date that he non-final Office action was mailed. *See*, 1.703(a)(1).

The adjustment is properly reduced 34 days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed July 31, 2006. The reduction began June 28, 2006, the day after the date that is three months after the date that the final Office action was mailed, and ended July 31, 2006, the date that the Notice of Appeal was filed.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 315 days.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 315 days.

Applicants are given 30 days to file a request for reconsideration of the instant decision. No additional time will be granted under 37 CFR 1.136.

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

CC: Draft Certificate of Correction

Day : Tuesday
Date: 8/28/2007

PALM INTRANET

Time: 11:44:22

PTA Calculations for Application: 10/677784			
Application Filing Date:	10/02/2003	PTO Delay (PTO):	429
Issue Date of Patent:	03/06/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	315
PTO Delay Adjustment:	-114		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	08/22/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		100	
59	08/22/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		128	
58	08/22/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	114		
54.5	02/14/2007	PTA 36 MONTHS			
54	03/06/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
53	02/06/2007	EXPORT TO FINAL DATA CAPTURE			
52	01/29/2007	FINISHED INITIAL DATA CAPTURE			
51	02/05/2007	DISPATCH TO FDC			
50	02/01/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
49	01/29/2007	ISSUE FEE PAYMENT VERIFIED			
48	01/29/2007	ISSUE FEE PAYMENT RECEIVED			
47	12/22/2006	EXPORT TO INITIAL DATA CAPTURE			
46	12/19/2006	MAIL NOTICE OF ALLOWANCE	80		30
45	12/15/2006	ISSUE REVISION COMPLETED			
44	10/02/2003	REFERENCE CAPTURE ON IDS			
43	12/14/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
42	12/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
41	12/14/2006	NOTICE OF ALLOWABILITY			
40	11/01/2006	DATE FORWARDED TO EXAMINER			
39	11/01/2006	MAIL APPEALS CONF. REOPEN PROSEC.			
38	10/30/2006	APPEALS CONF. DECISION, REOPEN PROSEC.			
37	07/31/2006	REQUEST FOR APPEAL CONFERENCE FILED			
36	07/31/2006	NOTICE OF APPEAL FILED			
		REQUEST FOR EXTENSION OF TIME - GRANTED			

35	07/31/2006				
33	06/26/2006	MAIL ADVISORY ACTION (PTOL - 303)			
32	06/22/2006	ADVISORY ACTION (PTOL-303)			
31	06/07/2006	DATE FORWARDED TO EXAMINER			
30	05/30/2006	AMENDMENT AFTER FINAL REJECTION			
29	03/27/2006	MAIL FINAL REJECTION (PTOL - 326)			
28	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
27	03/20/2006	FINAL REJECTION			
26	04/13/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	10/02/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	02/16/2006	DATE FORWARDED TO EXAMINER			
23	02/06/2006	RESPONSE AFTER NON-FINAL ACTION			
22	11/16/2005	MAIL NON-FINAL REJECTION	349		-1
21	11/10/2005	NON-FINAL REJECTION			
20	07/05/2005	CASE DOCKETED TO EXAMINER IN GAU			
19	06/14/2005	CASE DOCKETED TO EXAMINER IN GAU			
18	04/13/2005	REFERENCE CAPTURE ON IDS			
17	04/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	01/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	09/24/2004	RESCIND NONPUBLICATION REQUEST FOR PRE GRANT PUBLICATION			
14	09/28/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	10/02/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/10/2004	CORRESPONDENCE ADDRESS CHANGE			
11	09/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	09/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
9	12/29/2003	APPLICATION RETURN FROM OIPE			
8	12/29/2003	APPLICATION RETURN TO OIPE			
7	12/29/2003	APPLICATION DISPATCHED FROM OIPE			
6	12/30/2003	APPLICATION IS NOW COMPLETE			
5	10/02/2003	PGPUBS NONPUB REQUEST			
4	12/16/2003	CASE CLASSIFIED BY OIPE			
3	12/16/2003	CLEARED BY OIPE CSR			
2	11/15/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			

1	10/02/2003	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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,187,946 B2
DATED	:	March 6, 2007
INVENTOR(S)	:	Palan

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 429 days

Delete the phrase "by 429 days" and insert – by 315 days--

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Richard C. Litman
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington VA 22215

In re Application of :
Posner, et al. :
Application No. 10/677,792 : DECISION ON PETITION
Filed: October 3, 2003 : TO MAKE SPECIAL
For: **ELECTRONIC TOLL COLLECTION SYSTEM AND METHOD FOR RENTAL AND LEASED VEHICLES** :

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed October 3, 2003 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes declarations by both Mr. Arthur Posner and Mrs. Roslyn S. Posner attesting that they are over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jan Weber	: DECISION ON REQUEST FOR
Patent Number	: 7618647	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/677,834	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1810** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN, TX 78716-4075

Mail Date: 04/22/2010

Applicant	: Robert Elliott Robotham	: DECISION ON REQUEST FOR
Patent Number	: 7602797	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/677,842	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2003	: 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.

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ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN, TX 78716-4075

Mail Date: 04/22/2010

Applicant	: Robert Elliott Robotham	: DECISION ON REQUEST FOR
Patent Number	: 7602797	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/677,842	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2003	: 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.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/677,843	10/02/2003	1615	770	AA604M		7	1

CONFIRMATION NO. 9529

CORRECTED FILING RECEIPT

OC000000011882093

27752
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

Date Mailed: 02/11/2004

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)

Nobuaki Uehara, Kobe, JAPAN;
Jian-Zhong Yang, Kobe, JAPAN;

Assignment For Published Patent Application

The Procter & Gamble Company;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/415,597 10/02/2002

Foreign Applications

If Required, Foreign Filing License Granted: 01/09/2004

Projected Publication Date: 05/20/2004

Non-Publication Request: No

Early Publication Request: No

Title

Hair conditioning composition comprising three kinds of silicones

Preliminary Class

424

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).

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In re Application of	: DECISION ON REQUEST
Ikuhiro Iwamoto et al	: UNDER 37 CFR 1.97
Serial No: 10/677,859	: FOR CONSIDERATION
Filed: October 3, 2003	: OF INFORMATION
For: TRANSMISSION CONTROL SYSTEM OF AUTOMATIC TRANSMISSION FOR VEHICLE	: DISCLOSURE STATEMENT :

The request under 37 CFR 1.97(d) for consideration of an information disclosure statement filed on March 2, 2005 after allowance has been:

(X) GRANTED.

( ) DENIED.

The request lacks:

( ) The required fee under 37 CFR 1.97(d)(2) and 1.17(p).

( ) A proper certification as specified in 37 CFR 1.97(e)(1) or 1.97(e)(2). 37 CFR 1.97(e)(1) requires statement to include that each item of information contained in the IDS was **first** cited in **any** communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS.

The information disclosure statement has been placed of record in the file and will be considered by the examiner. See Federal Register 65 Fed. Reg. 54603 (September 8, 2000); Official Gazette 1238 Off. Gaz. Pat Office 77 (September 19, 2000) for rule changes fo 37 CFR 1.97.

Charles A. Marmor, SPE
Art Unit 3681
(571) 272-7095

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JUN 16 2010

OFFICE OF PETITIONS

In re Application of :
CRIERE et al. : DECISION ON PETITIONS
Application No. 10/677,861 : UNDER 37 CFR 1.78(a)(3)
Filed: October 3, 2003 : AND 37 CFR 1.55(c)
Attorney Docket No. 1017751-000039 :

This is a decision on the petition filed March 15, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of a prior-filed nonprovisional application, and a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of priority to the filing date to a prior-filed foreign application.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

The petition under 37 CFR 1.55(c) is **DISMISSED**.

Any request for reconsideration should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c)" and should address the deficiencies noted below. No additional petition fee is required.

As to the benefit claim under 37 CFR 1.78(a)(3):

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

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

The amendment as drafted is unacceptable, and therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Pursuant to 37 CFR 1.121, 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 benefit claim), 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.

As to the benefit claim under 37 CFR 1.55(c):

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 Director may require additional information where there is a question whether the delay was unintentional); and
(5) the above-identified nonprovisional application or intermediate nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above.

A review of the record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37

CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. MPEP 201.14.

Conclusion

Petitioner must file a renewed petition under 37 CFR 1.78(a)(3) and 1.55(c), accompanied by a Supplemental Application Data Sheet identifying the nonprovisional and foreign applications for which priority is claimed in compliance 37 CFR 1.76(b)(5)-(6) and 1.33(b). The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or an amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

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

Correspondence may also be submitted electronically via EFS-Web.

Any questions concerning this matter 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

ROBERT L. MARSH
P.O. BOX 4468
WHEATON IL 60189-4468

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APR 26 2004

OFFICE OF PETITIONS

In re Application of	:	
Donald Lliff	:	
Application No. 10/677,872	:	DECISION GRANTING PETITION
Filed: 4 March, 2004	:	
Attorney Docket No. M313	:	

This is a decision on the petition filed on 4 March, 2004, which is treated as a petition under 37 CFR 1.182, to accord the application a filing date of 4 March, 2004, with a drawing of Figure 6 as a part of the original disclosure.

The petition is **granted**.

The application was filed on 2 October, 2003. However, on 5 January, 2004, Initial Patent Examination Division mailed a "Notice of Omitted Items in a Nonprovisional Application" stating that the application had been accorded a 2 October, 2003, filing date, but that the drawing of Figure 8 described in the specification appeared to have been omitted.

In response, on 4 March, 2004, a drawing containing Figure 8 was filed accompanied by the present petition. Petitioner requests that the application be accorded a filing date as of the date Figure 8 was filed in the USPTO.

As petitioner has requested that the application be accorded the later filing date with Figure 8 as a part of the original disclosure, the application will be forwarded to the Office of Initial Patent Examination for reprocessing with a filing date of 4 March, 2004, using the application papers filed on 2 October, 2003, and the copy of Figure 8 of the drawings filed on 4 March, 2004.

Receipt is acknowledged of the declaration filed on 4 March, 2004.

The application is being forwarded to the Office of Initial for reprocessing with a filing date of 4 March, 2004, using the application papers present on filing and the copy of Figure 8 filed with the present petition, and for issuance of a Corrected Filing Receipt.

Telephone inquiries specific to this matter 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
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MAY 14 2004

LAMBERT & ASSOCIATES, P.L.L.C.
92 STATE STREET
BOSTON MA 02109-2004

In re Application of
Peng Liang.
Serial No.: 10/677,877
Filed: October 2, 2003
Attorney Docket No.: 03-052-PL

: PETITION TO MAKE SPECIAL

This is in response to applicants' petition filed October 2, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d). The delay in acting on this petition has been caused by the delay in OIPE processing.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 703-872-9306.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,877	10/02/2003	Peng Liang	03-052-PL	9984

7590 02/22/2006

Lambert & Associates, P.L.L.C.
92 State Street
Boston, MA 02109-2004

EXAMINER	
ROOKE, AGNES BEATA	

ART UNIT	PAPER NUMBER
1653	

DATE MAILED: 02/22/2006

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
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10677877			

EXAMINER
Agnes Rooke

ART UNIT	PAPER
1653	20060213

DATE MAILED:

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

Commissioner of Patents

The decision on the petition for color drawings filed 20 May 2004 in the above entitled application is as follows:

☐ Delay in Prosecution Held Unavoidable (35 USC 133),

Petition Granted _____

☐ Delayed Payment of Issue Fee Accepted (35 USC 151),

Petition Granted _____

☒ Petition Granted _____

☐ Petition Denied _____

☐ Petition Dismissed _____

By Direction of the Deputy Assistant Director of Patents

_____

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 2/18/2010
Patent No. : 7,547,657 B2
Serial No. : 10/677,878
Inventor(s) : Espinoza et al.
Issue Date : June 16, 2009
Title : **HEAT TREATED FISCHER-TROPSCH CATALYST PARTICLES**
Doc./File No. : **HAHN7.001C1**

Re: Reconsideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged errors in drawing figure 3, errors pertaining to drawing figures are not correctable by the certificate of correction branch until newly submitted drawings are approved by the examiner. Therefore, no correction is in order here. Your request for a certificate of correction in this matter is hereby denied.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

ecw

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

Alton W. Payne
Suite 200
5001 Bissonnet
Bellaire TX 77401

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NOV 2 4 2004

OFFICE OF PETITIONS

In re Application of :
W. Frank Little :
Application No. 10/677,905 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. LIT07A :

This is a decision on the petition under 37 CFR 1.137(b), filed November 5, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply timely to the Notice to File Corrected Application Papers mailed on December 29, 2003, which set a two-month extendable period to respond. No extensions of time were obtained pursuant to 37 CFR 1.136(a). Accordingly, this application became abandoned on March 1, 2004.

The petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may 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
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ALTON W. PAYNE
5001 BISSONNET, SUITE 200
BELLAIRE, TX 77401

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MAY 0 5 2006

OFFICE OF PETITIONS

In re Application of :
W. Frank Little :
Application No. 10/677,905 : DECISION ON PETITION
Filed: October 2, 2003 : TO WITHDRAW
Attorney Docket No. LIT07A : 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 30, 2005 and resubmitted October 19 and 24, 2005.

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 Alton W. Payne, the sole attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: W. Frank Little
19726 Indigo Lake Drive, Suite 101
Magnolia, TX 77355

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Commissioner for Patents
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Paper No.

Daniel M. Chambers
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach CA 92075

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JUL 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Fruhberger et al. : DECISION ON PETITION
Application No. 10/677,908 :
Filed: October 1, 2003 :
Atty Docket No. SCS-1001-UTL1 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 27, 2007.

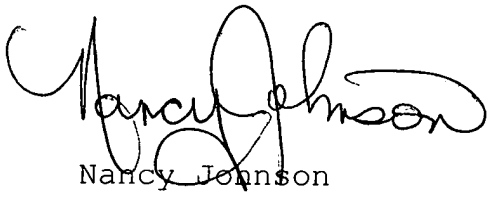
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 16, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective September 17, 2005. A courtesy Notice of Abandonment was mailed on December 29, 2005.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2856 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed March 27, 2007.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/677,913	10/01/2003	2183	1068	P17474	4	27	5

CONFIRMATION NO. 9573

CORRECTED FILING RECEIPT

25694
INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

OC000000015051092

Date Mailed: 01/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Dennis M. O'Connor, Chandler, AZ;
Michael W. Morrow, Chandler, AZ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/677,913

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus to enable execution of a thread in a multi-threaded computer system

Preliminary Class

712

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).

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JUN 23 2008

OFFICE OF PETITIONS

ARNOLD & KNOBLOCH, L.L.P.
2401 FOUNTAIN VIEW DRIVE
SUITE 630
HOUSTON TX 77057

In re Application of :

DEWALCH, Binz :
Application No. 10/677,918 : DECISION ON PETITION
Filed: October 02, 2003 : TO WITHDRAW
Attorney Docket No. **D30972US** : 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 13, 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 Gordon Arnold on behalf of all attorneys of record who are associated with customer No. 28805. All attorneys/agents associated with the Customer Number 28805 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 signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed February 20, 2008 that requires a reply from the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **BINZ DEWALCH**
3839 CHEVY CHASE
HOUSTON, TX 77019

cc: **DEWALCH TECHNOLOGIES, INC.**
MICHAEL EVANS
6850 WYNNWOOD
HOUSTON TX 77008

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ALEXANDRIA, VA 22313-1450
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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

MAILED

JAN 18 2005

Technology Center 2100

In re Application of: Lee, et al.
Application No. 10/677,925
Filed: October 1, 2003
For: SYSTEM AND METHOD FOR MAINTAINING AN ASSOCIATION BETWEEN A DISTRIBUTION DEVICE AND A SHARED END USER CHARACTERISTIC

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

This is a decision on the petition to make special filed October 28, 2004 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

The petition is **DISMISSED**.

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

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

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention and specification are generally directed to using an association between a distribution device and an end user to provide the end user with

information specific to the user.

Petitioner does not establish a sufficient nexus between the disclosed and claimed invention and preventing "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 activities "that would be a criminal violation if committed within the jurisdiction of the United States or of any State", or preventing acts that appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping.

As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. Any inquiries related to this decision may be directed to the undersigned at (571) 272-3595.

Brian L. Johnson 4/7/05
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

MBS

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Commissioner for Patents
United States Patent and Trademark Office
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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

MAILED

JAN 18 2005

Technology Center 2100

In re Application of: Lee, et al.
Application No. 10/677,925
Filed: October 1, 2003
For: SYSTEM AND METHOD FOR MAINTAINING AN ASSOCIATION BETWEEN A DISTRIBUTION DEVICE AND A SHARED END USER CHARACTERISTIC

DECISION ON PETITION
TO MAKE SPECIAL
UNDER M.P.E.P. §708.02 (VI)

This is a response to the petition filed October 28, 2004, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02 (VI): Energy, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VI which sets out the prerequisites for a grantable petition for Advanced Examination under 37 C.F.R. §1.102(c) 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 one of the following items:

(a) Submits a petition showing how the invention materially contributes to the discovery or development of energy resources.

(b) Submits a petition showing how the invention materially contributes to the more efficient utilization and conservation of energy resources, such as inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc.

The petition filed October 28, 2004 fails to adequately meet either of the requirements above. Neither the statement in the petition nor the claims in the application make it clear how a system that distributes information to a user based on that user's characteristics materially reduces energy consumption or materially contributes to the discovery or development of energy resources. Further details on how the invention meets one of the two criteria above is required.

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 4/1/05
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

MBS

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAIL

MAR 1 5 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Law Office of Bernhard Molldrem
2nd Floor, Monroe Building
333 East Onondaga Street
Syracuse NY 13202

In re Application of
Robert H. Feldmeier
Application No. 10/677,934
Filed: October 2, 2003
For: **ARCHIVING AND VIEWING SPORTS EVENTS VIA INTERNET**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition to make special pursuant to 37 C.F.R. §1.102 and MPEP §708.02 (IV) (applicant's age) filed January 31, 2005.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a copy of the inventor's driver's license which reflects a birth date of September 24, 1921, evidencing that the inventor is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file is being forwarded to the examination art unit for expedited prosecution.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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APR 4 2006

JOSEPH E. MUETH, ESQ.
JOSEPH E. MUETH LAW CORPORATION
8TH FLOOR
225 SOUTH LAKE AVENUE
PASADENA CA 91101

In re Application of	:
Suzanne Zebedee et al	:
Serial No.: 10/677,956	: PETITION TO MAKE SPECIAL
Filed: October 1, 2003	:
Attorney Docket No.: 323-100US-D	:

This is in response to the petition filed February 24, 2006, 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, relating to actual or potential infringement.

Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number 571-273-8300.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 22 2005

OFFICE OF PETITIONS

In re Application of:
Ellenbogen et al.
Application No. 10/677,976 : ON PETITION
Filed: October 2, 2003
PGPUB: US20040120454A1 6/24/04.
Docket No.: 25960-009

This is a decision on the petition filed January 12, 2005, under 37 CFR 1.182 asking, pursuant to a court order to petitioner, that the USPTO withdraw the request for a corrected filing receipt filed December 2, 2004, and reinstitute the claim for benefit of provisional application No. 60/415,491.

The petition is **dismissed as immaterial**.

As background, the above-identified non provisional application claimed benefit (by way of the declaration under 37 CFR 1.63 present on filing) under 35 U.S.C. § 119(e) of prior provisional application No. 60/415,391 filed October 2, 2002.

This priority claim was recognized by the USPTO as shown by its entry under the caption "Domestic Priority Data" on the filing receipt mailed December 29, 2003, the updated filing mailed March 15, 2004, and the appropriate entry on corresponding U.S. Patent Application Publication No. US20040120454A1 published June 24, 2004.

In due course, on December 2, 2004, applicants filed a request for cancellation of the aforementioned claim for benefit, and a request for issuance of a corrected filing receipt to that effect.

The USPTO acknowledged applicants' request for cancellation of the priority claim on December 14, 2004, as evidenced by the corrected filing receipt mailed that date which reflected that no domestic priority benefit was claimed.

However, during litigation at the state level In Massachusetts, the court issued a preliminary injunction on January 10, 2005, directing applicants to, forthwith, withdraw the above-noted request for a corrected filing receipt, which translates into applicants' reassertion of the § 119(e) claim for benefit as the USPTO had already acted on the cancellation.

The instant petition was filed January 12, 2005.

Petitioner requests that the USPTO, under 37 CFR 1.182: (1) grant petitioners' request for a corrected filing receipt and, as such, the corrected filing receipt should again reflect a § 119(e) benefit claim of the aforementioned provisional application, (2) withdraw petitioners' request for cancellation of their benefit claim of the '391 provisional application, and (3) take any additional steps required to effectuate the foregoing withdrawal.

By its terms, 37 CFR 1.182 applies only when no other regulation speaks to the issue. However, 37 CFR 1.78(a)(6) specifically governs the circumstances of this case. As a result of the American Inventor's Protection Act of 1999, 37 CFR 1.78 was amended to provide a time period within which a claim to the benefit of a prior provisional application must be stated or waived, and to also provide a mechanism by which a belated claim could be remedied. The Office will not grant petitioner's request for a corrected filing receipt to include a benefit claim unless the proper reference to the prior application is included in the first sentence of the specification or an ADS within the time period required by 37 CFR 1.78(a). Here, petitioners were fortunate that the USPTO picked up their §119(e) claim as it was not presented in either the first line of the specification, or in an ADS, as required by 37 CFR 1.78(a)(5)(iii). The reference to prior provisional was not submitted in either the first line of the specification or in an ADS within the later of four months from the actual filing date of the instant application (which was February 2, 2004) or sixteen months from the filing date of the prior-filed provisional application (which again was February 2, 2004) as required by 37 CFR 1.78(a)(5)(ii). Indeed, the date that the required reference to the provisional application was first filed herein is January 12, 2005, by way of the supplemental amendment filed that date, which is far beyond the time periods set forth in 37 CFR 1.78(a). Further, as petitioners themselves cancelled their claim for benefit on December 2, 2004, there is a hiatus in claiming § 119(e) benefit from then to January 12, 2005. As noted in MPEP 201.11(F), petitioner's must now proceed under 37 CFR 1.78(a)(6) in their quest for a corrected filing receipt; 37 CFR 1.182 is inapposite. It should be noted that 37 CFR 1.182 is not a mechanism for avoiding the requirements of the established rules and procedures. See Hicks v. Costello, 1903 Dec. Comm'r Pat. 123, 125 (1903).

In any forthcoming petition under 37 CFR 1.78(a)(6), given petitioner's express cancellation of the §119(e) claim for benefit of the provisional application, and in order to facilitate USPTO consideration of their petition, petitioners may wish to include a discussion in their petition of the following caveat noted in MPEP 201.11(G):

> A cancelation of a benefit claim to a prior application may be considered as a showing that the applicant is intentionally waiving the benefit claim to the prior application in the instant application. If the applicant later files a petition to accept an unintentionally delayed claim to add the benefit claim to the prior application in the same application from which the benefit claim was canceled, the Office may refuse to accept such benefit claim because the delay was not unintentional.

In other words, petitioners must explain in their forthcoming petition why the USPTO should not refuse to accept their belated benefit claim. That is, petitioners' deliberate December 2, 2004, cancellation of the § 119(e) benefit claim is reasonably be considered to show that petitioners intentionally as opposed to accidentally, inadvertently, or through negligence, waived their § 119(e) benefit claim to the prior provisional application. It is further noted that as the requirement that the amendment presenting the § 119(e) benefit claim be "unintentionally delayed" is statutory, it is not subject to waiver by the USPTO. See 35 U.S.C. § 119(e).

It is noted that the injunction, while instructing applicants to reinsert the claim for benefit in aid of the other litigant, also permitted applicants to file any continuing application with any benefit claim that they wished. It is respectfully observed, however, that unless and until a forthcoming petition under 37 CFR 1.78(a)(6) is granted in this application, petitioners continue to have waived any § 119(e) benefit of the provisional application in this application. Accordingly, the filing receipt issued December 14, 2004, properly stands as correctly reflecting the current status of any § 119(e) benefit claim herein.

This, in turn, means that any application–including any continuing application claiming § 120 benefit of this application-- that was not filed within 12 months of the filing date of provisional application No. 60/415,391, or any application that does not claim § 120 benefit of an application that was filed within 12 months of the filing date of provisional application No. 60/415,391 simply **cannot** claim § 119(e) benefit of the '391 application. Rather, such is and remains precluded by operation of law. In other words, the instant application can not be part of any chain of later filed continuing applications that seeks to claim benefit of the provisional application, as this application, while filed within 12 months of the provisional application, now breaks the chain of § 119(e) priority benefit of the provisional. Any other application that was not filed on or before October 2, 2003, or does not claim 35 U.S.C. § 120 benefit of an application filed on or before October 2, 2003, that itself properly claims benefit of the provisional application (*i.e.*, other than this intermediate application) may not properly claim benefit of provisional application No. 60/415,391.

Petitioners should promptly submit, in any such affected application(s), the necessary conforming amendments to their benefit claim(s), which may impact the number and type of references or rejections available to the examiner(s), and should also bring to the attention of those examiner(s) a copy of this decision, as well as a copy of any decision(s) on the forthcoming petition(s) under 37 CFR 1.78(a)(6).

The forthcoming petition under 37 CFR 1.78(a)(6) should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314:
By fax:	(703) 872-9306 ATTN: Office of Petitions

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner for
Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 2 2 2005

OFFICE OF PETITIONS

In re Application of:
Ellenbogen et al.
Application No. 10/677,976
Filed: October 2, 2003
PGPUB: US20040120454A1 6/24/04.
Docket No.: 25960-009

: ON PETITION

This application has been referred to this office due to two communications filed July 21, 2005, by, *inter alia*, record counsel for applicants, which are being treated as (1) a petition under 37 CFR 1.78(a)(6) filed by counsel of record to accept an unintentionally delayed claim for benefit of a provisional application, (2) a petition under 37 CFR 1.183 filed by counsel of record for waiver of the requirement in 37 CFR 1.78(a)(6)(iii) for a statement that the entire delay in making the claim was unintentional, and (3) a petition under 37 CFR 1.181 (no fee) by counsel of record requesting entry and consideration of attached communications signed by counsel who is not of record and who does not allege that he is acting in a representational capacity for the named inventors, or for record assignee of the entire interest.

The petition filed by counsel of record under 37 CFR 1.78(a)(6) is **dismissed.**

The petition filed by counsel of record under 37 CFR 1.183 for waiver of the rules is **dismissed.**

The petition filed by counsel of record under 37 CFR 1.181 is **granted** to the extent that the aforementioned attached communications filed July 21, 2005, are being permitted to remain in the record, but is **dismissed** in that the USPTO will not take any action on, or otherwise consider, the third party communications.

With respect to the petition filed under 37 CFR 1.78(a)(6) by counsel of record:

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 when the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application is submitted, or, as here, re-submitted after cancellation but also 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) an adequate statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The

> Commissioner may require additional information where there is a question whether the delay was unintentional.

This petition lacks item (3) above, and as such, is dismissed.

BACKGROUND

Inspection of the record reveals that applicants included, on filing, in the unexecuted declaration a claim for benefit of provisional Application No. 60/415,391('391) which was filed on October 2, 2002. That benefit claim was recognized by the USPTO, notwithstanding that it was not included in either the first line of the specification or in an application data sheet as required by 37 CFR 1.78, as shown by its entry under the caption "Domestic Priority Data" on the filing receipt mailed December 29, 2003, the updated filing receipt mailed March 15, 2004, and the appropriate entry on corresponding U.S. Patent Application Publication No. US20040120454A1 published June 24, 2004. This circumstance is mentioned in MPEP 201.11, subsection D, which states that:

> If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (*e.g.*, if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

On February 26, 2004, applicants filed an executed declaration under 37 CFR 1.63 that repeated the claim for benefit.

Thus, while the reference to the '391 prior provisional application was not submitted in either the first line of the specification or in an ADS within the later of four months from the actual filing date of the instant application (which was February 2, 2004) or sixteen months from the filing date of the prior-filed provisional application (which again was February 2, 2004) as required by 37 CFR 1.78(a)(5)(ii), the claim was recognized by the USPTO.

However, on December 2, 2004, applicants filed: (1) another executed declaration under 37 CFR 1.63 that now lacked the claim for benefit, (2) a communication captioned "remarks" referring to the accompanying executed declaration, that specifically requested cancellation of the benefit claim per MPEP 201.11(G), and also referred to an accompanying request for a corrected filing receipt that lacked the benefit claim, and (3) a request for a corrected filing receipt that reflected cancellation of the benefit claim.

A corrected filing receipt was mailed by the USPTO on December 14, 2004, reflecting that the priority claim had been cancelled as requested by applicants on December 2, 2004.

On January 7, 2005, applicants requested that the USPTO not act on the documents filed on December 2, 2004, in that they were acting on instructions from a Massachusetts Superior Court.

On January 12, 2005, applicants filed a petition under 37 CFR 1.182 seeking to halt or undo their requested cancellation of the benefit claim, along with, for the first time, the amendment required by 37 CFR 1.78(a). The date that the required reference to the provisional application was first filed herein is January 12, 2005, by way of the supplemental amendment filed that date, which is far beyond the time periods set forth in 37 CFR 1.78(a).

The petition under 37 CFR 1.182 was dismissed as immaterial in the decision of April 22, 2005, and applicants were advised that if any relief were to be forthcoming, it would have to be sought under the provisions of 37 CFR 1.78(a)(6). Applicants were further advised, that, as noted in MPEP 201.11 subsection G, since the deliberate cancellation of the claim for benefit of the '391 application raised the issue of whether the delay in claiming benefit was unintentional, any forthcoming petition under 37 CFR 1.78(a)(6) should specifically address this issue.

OPINION

Petitioner has failed to carry his burden of proof to establish to the satisfaction of the Director that the entire delay in filing the amendment with the benefit claim in the above-identified application was "unintentional" within the meaning of 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6).

The legislative history of Public Law 97-247, § 3, 96 Stat. 317 (1982), by which Congress first enacted the unintentional delay standard, reveals that the purpose, as embodied in 35 U.S.C. § 41(a)(7) was 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 placed a limit on this discretion stating that "[u]nder this section a petition accompanied by [the requisite fee] 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." H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. 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 CFR 1.137(b). This standard is further discussed in MPEP 711.03(c), subsection II, C (1). In 1992 Congress extended the unintentional delay standard to the reinstatement of expired patents, set forth in 35 U.S.C. § 41(c). See Centigram Communications Corp. v. Lehman, 32 USPQ2d 1346, 1348-9 (DC EVa 1994). In 1999, by way of the American Inventor's Protection Act, Congress further extended the unintentional delay standard to apply to acceptance of: as here, belated claims for § 119(e) benefit of prior provisional applications, or belated claims for § 120 benefit of prior non-provisional applications, or belated notice required by §122(b) in a national stage application of a filing in a foreign country or under a multilateral international agreement; or a belated § 119(a)-(e), and (f), benefit claim of a filing in another intellectual property authority or country.

It is clear that the cancellation of the benefit claim on December 2, 2004, was a deliberate act, intentionally performed by way of not 1, but 3, separate communications signed by both applicants and their duly appointed counsel. Accordingly, by any reasonable interpretation of the "unintentionally delayed"' requirement of 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6), the delay in submission of the amendment for a benefit claim cannot be considered unintentional delay. The consequence of that deliberate waiver is, however, that the delay from that date until at least January 12, 2005, when applicants sought to reinstate that benefit claim, is not unintentional delay.[1] Thus the entire delay from February 4, 2004, when the amendment was due, until January 12, 2005, (and thereafter) is not unintentional due to applicants' deliberate cancellation of the claim on and after December 2, 2004. The reference to the prior provisional '391 application was not submitted in either the first line of the specification or in an ADS within

[1] Even here however, since applicants are acting involuntarily to reinstate the benefit claim as they are only acting pursuant to a court order; such is not seen to be an "unintentional" delay on their part. In other words, the period of intentional delay began on, and continues to run from, December 2, 2004.

the later of four months from the actual filing date of the instant application (which was February 2, 2004) or sixteen months from the filing date of the prior-filed provisional application (which again was February 2, 2004) as required by 37 CFR 1.78(a)(5)(ii). MPEP 201.11, subsection III D does not apply to the circumstance of, as here, a canceled benefit claim. The hiatus in the benefit claim arising from applicant's deliberate cancellation of that benefit claim means that there was no benefit claim to "correct" within the meaning of MPEP 201.11, subsection III D. While there had been a prior, timely, claim for benefit of the '391 application, that claim was cancelled on December 2, 2004. As such, there was no existing claim for benefit of the '391 application on and after December 2, 2004. Since, on and after December 4, 2004, there was no existing claim for benefit of the '391 application, there was no existing benefit claim that could be "corrected." Since the amendment proffered on January 12, 2005, to re-instate the canceled claim for benefit was not filed within the later of either 4 months from the instant filing date (i.e., February 2, 2004) , or 16 months from the filing date of the '391 application (i.e., again, February 2, 2004), a grantable petition under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6) is required as a condition of resurrecting that cancelled claim by way of the proffered amendment. See MPEP 201.11, Subsection V. In brief, MPEP 201.11 subsection III D does not speak to the instance, where, as here, a benefit claim has been deliberately waived by intentional cancellation. Rather, MPEP 201.11 subsection III G is controlling here:

> A cancellation of a benefit claim to a prior application may be considered as a showing that the applicant is intentionally waiving the benefit claim to the prior application in the instant application. If the applicant later files a petition to accept an unintentionally delayed claim to add the benefit claim to the prior application in the same application from which the benefit claim was canceled, the Office may refuse to accept such benefit claim because the delay was not unintentional.

Indeed, if the submission of a claim for benefit of *a* given application is made for the first time outside the period required by 37 CFR 1.78(a)(5) or, as here, the re-submission or requested reinstatement of a canceled benefit claim of a given application, is likewise presented outside the period required by 37 CFR 1.78(a)(5), and each were properly construed to be a "correction" of a benefit claim that would not require a petition and fee, then it is difficult to imagine a situation where the petition and fee would ever be required. But see 35 U.S.C. § 119(e)(1)("n]o application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment... is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application." Here, since the first time that the amendment required by both the relevant statute and regulation for a benefit claim was filed was January 12, 2005, which is beyond the time limits specified in 37 CFR 1.78(a), there can be no doubt that a grantable petition is required for the belated claim to now be accepted by the USPTO.

The December 2, 2004, filing of the 3 documents that requested cancellation of the claims, resulted in that there was no priority claim to cancel, this is simply inconsistent with the record, as the USPTO had, as provided for in MPEP 201.11, subsection III D, recognized their priority claim from the date the application was filed until it was expressly cancelled at applicants' request on December 2, 2004. That benefit claim was recognized by the USPTO, notwithstanding that it was not included in either the first line of the specification or in an application data sheet as required by 37 CFR 1.78, as shown by its entry under the caption "Domestic Priority Data" on the filing receipt mailed December 29, 2003, the updated filing receipt mailed March 15, 2004, and the appropriate entry on corresponding U.S. Patent

Application Publication No. US20040120454A1 published June 24, 2004, and applicants never contended that the USPTO had erred in recognizing the benefit claim. Indeed, the documents filed December 2, 2004, showed applicants' awareness of the prior USPTO recognition of their benefit claim, and expressly mentioned in 2 separate papers that such claim was now being expressly cancelled.

The subsequent order from the Massachusetts Superior Court does not excuse the delay herein in submission (or re-submission) of the benefit claim, nor does such convert the applicants' deliberate cancellation of the benefit claim on December 2, 2004, to the applicants' unintentional delay in filing the benefit claim amendment and seeking reinstatement of the benefit claim. Rather, the appearance of the court order is merely a change in circumstance that occurred subsequent to the express cancellation of the benefit claim and applicants' deliberate failure to maintain in force herein the benefit claim, which does not render "unintentional" the delay resulting from the previous deliberate decision to cancel the benefit claim. It is immaterial to the nature of the delay herein that the third party, or counsel for the third party, may not have agreed with, or was unaware of, cancellation of the benefit claim. Neither applicants nor the third party cannot undo the delay herein. The test is not whether some of the delay was unintentional on the part of any party; rather, the entire delay in submission of the benefit claim must be shown to the satisfaction of the Director to be unintentional.

With respect to the petition filed by counsel of record under 37 CFR 1.183 for waiver of the rules:

In order for grant of any petition under 37 CFR 1.183, petitioners must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioners have not shown that either condition exists in this case.

Petitioners mention a request that the USPTO waive the express regulatory requirement that the "entire delay" was unintentional between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed.[2] 37 CFR 1.183 by its express terms, is not

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[2] The USPTO requires that the entire period of the 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 1992 amendment to 35 U.S.C. § 41(c) which provided for reinstatement of expired patents upon a showing satisfactory to the Director that the nonpayment of the maintenance fee was unintentional, likewise indicated there was more discretion in reinstating a patent under the unintentional standard than under the unavoidable standard, but did not otherwise change or redefine the meaning of unintentional as already understood and applied to the revival of abandoned applications. Cf. 138 Cong. Rec. E 168 et seq. (June 4, 1992)(statement of Rep. McCollum). Likewise, the 1999 amendments to the patent statute to provide for acceptance of unintentionally delayed priority claims did not otherwise change or redefine the meaning of unintentional as already understood and applied to the revival of abandoned applications, and reinstatement of expired patents. Applying this same requirement as a prerequisite to the initial submission of a priority benefit request , or reinstatement of a earlier priority benefit request, likewise prevents abuse and injury to the public.

available to waive any requirement of the rules that is also a requirement of the patent statute. Here, however, the relevant statute requires that the amendment submitted January 12, 2005, can only be accepted if it: (1) was unintentionally delayed and (2) is submitted during the pendency of the application. See 35 USC 119(e)(1). While the statue does not expressly require that the entire delay have been unintentional, it is equally true that the statue does not expressly permit that only some of the delay be unintentional. Indeed, it is not seen, and petitioner does not show, how the submission of this or any amendment can be considered to be unintentionally delayed within the meaning of the statute and regulation if in fact any of the delay was not unintentional. As with the other sections of the patent statue embodying the unintentional delay standard, the USPTO also here requires that the entire delay be unintentional as a means of preventing abuse and injury to the public.

Accordingly, while condition 2 above has been satisfied, rule 183 is not here available to waive the other statutory requirement that the amendment in question must be "unintentionally delayed" in its submission. The USPTO simply has neither the discretion nor the power to relax any requirement of § 119(e)(1). See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234-1235 (Fed. Cir. 1998)(the USPTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes 35 U.S.C. §§ 112, 120); A. F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977), (since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute).

While petitioners did not expressly also seek waiver of the regulatory, but non-statutory, 4 or 16 month period of the rule for submitting (without a petition, fee, and statement of unintentional delay) an amendment adding or reinstating the canceled benefit claim, there is no basis given or apparent for granting such a request, notwithstanding the clear Congressional intent expressed in § 119(e)(1) for triggering a petition and fee for belated claims. See Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985)(petitioner's failure to heed published notice of USPTO procedures will not be permitted to shift, in equity, his lack of diligence onto the USPTO). Since the filing (or lack of filing) error noted above was entirely due to petitioners, and was not caused or contributed to by the USPTO, this case is even further removed from consideration as an "extraordinary situation" where "justice requires" an extraordinary remedy. See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000). Only after receipt of the court order, did petitioners seek retraction of their express waiver of the benefit claim by re-submission of that benefit claim. However, 37 CFR 1.183 should not be considered a panacea for an applicant's tactical errors in prosecution. See, Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing papers); Hahn v. Wong, 892 F.2d. 1028, 13 USPQ2d 1313 of (Fed. Cir. 1993)(ignorance of the provisions of the rules or the substantive requirements of law is not a basis for extraordinary relief to consider an additional submission).

With respect to the third party communications:

The communication signed by duly appointed counsel requests entry and consideration of the attached communications. Inspection of the attached communications reveals that (1) they are not signed by counsel duly appointed under 37 CFR 1.33, (2) they do not purport to be filed by any counsel acting in a representational capacity per 37 CFR 1.34(b) for either the named inventors or the record assignee, (3) make various arguments against the need for a petition under 37 CFR 1.78(a)(6), request clarification of the USPTO communication of April 22, 2005,

or alternatively, treatment of the attached communication as a "conditional" petition under the aforementioned regulation, and (4) request extraordinary relief under 37 CFR 1.182 or 1.183, if required. Indeed, the attached communications are filed on behalf of a party in litigation with the record assignee regarding ownership of this application.

For the reasons noted above, however, the attached communications signed by a counsel not of record and not acting expressly or impliedly in a representational capacity for either the record assignee, or for the named inventors, must be regarded as a third party communication with respect to this application. This is particularly so given the adversarial nature of the litigation noted above. However, the mere assertion in the attached communications of a right to have the Office act in accordance with the statutes and regulations does not confer standing upon the third party. The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988). Further, a third party does not have standing to challenge Office decisions made *ex parte*. See, e.g., Godtfredsen v. Banner, 503 F.Supp 642, 647, 207 USPQ 202, 207 (D.D.C. 1980), Syntex v. United States Patent and Trademark Office, 882 F.2d 1570, 1574-1575, 11 USPQ2d 1866, 1870 (Fed. Cir. 1989), Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920 (Fed. Cir. 1989).

In Emerson Electric Co. v. Davoil, Inc., 88 F.3d 1051, 39 USPQ2d 1474 (Fed. Cir. 1996), the Federal Circuit held that a *federal* district court exceeded its authority in ordering a patentee to file a submission in the USPTO on behalf of a third party. Accordingly there is no adequately demonstrated need to further consider the third party papers herein, merely due to the accompanying request by applicants for entry and consideration thereof. Thus, whether the third party communications seek clarification of, or disagree with, the USPTO communication of April 22, 2005, or are self-styled as a "conditional" petition under 37 CFR 1.78(a)(6), or seek to invoke the extraordinary remedy provisions of the rules, is of no moment. There is nothing in the patent statutes which gives rise to a right in nonapplicants to object to the way in which patent applications of other inventors are treated by the Patent and Trademark Office. A third party has no right to intervene in a particular patent application. Animal Defense Fund v. Quigg, 932 F.2d 920, 930, 18 USPQ2d 1677, 1685 (Fed. Cir. 1991)("[w]e find nothing in the law which gives rise to a right in nonapplicants to object to the way in which patent applications of others are prosecuted."; Hallmark Cards, Inc. v. Lehman, 959 F. Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997).

The Office has promulgated regulations permitting third parties to file protests and petitions for public use proceedings in applications that have not been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.291 and 1.292) and to file prior art submissions in applications that have been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.99). The rules of practice, however, do not permit a third party to petition the Office to accept an allegedly unintentionally delayed priority claim. That the Office does permit a third party to file certain papers in an application does not afford a third party with standing to challenge Office decisions made in that application. Cf. Boeing, supra (that a third party is permitted to participate in district court action concerning a reexamination proceeding does not imply that the third party has standing to appeal a district court decision favorable to patent owner). Caution is urged if contemplating the submission of any further papers herein in that the Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, such as a third party, and not otherwise authorized by the rules of practice, to be a petition or paper presented for an improper purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination time frames specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, the Office may refer any further

improper third party communication or petition in this or any other application to the Office of Enrollment and Discipline for appropriate action.

Since the petition under 37 CFR 1.78(a)(6) to accept the belated benefit claim has not been approved, per MPEP 1002.02(b), ¶ 5, by this office, the examiner necessarily remains without authority to enter the amendment submitted January 12, 2005, that seeks to re-instate the cancelled priority claim. The former benefit claim under § 119(e) remains deliberately waived and expressly canceled by the papers filed December 2, 2004, as indicated in the corrected filing receipt mailed December 14, 2004, and, as such, has no further force and effect.

As authorized, fees totaling $1770 ($400 for a petition under 37 CFR 1.183 and $1370 for a petition under 37 CFR 1.78(a)(6)) have been charged to record counsel's deposit account. The fees were due regardless of the outcome of the decision.

This application is being referenced to the Technology Center.

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of:
Ellenbogen et al.
Application No. 10/677,976
Filed: October 2, 2003
PGPUB: US20040120454A1 6/24/04.
Docket No.: 25960-009

: ON PETITION

This application has been referred to this office due to two communications filed July 21, 2005, by, *inter alia*, record counsel for applicants, which are being treated as (1) a petition under 37 CFR 1.78(a)(6) filed by counsel of record to accept an unintentionally delayed claim for benefit of a provisional application, (2) a petition under 37 CFR 1.183 filed by counsel of record for waiver of the requirement in 37 CFR 1.78(a)(6)(iii) for a statement that the entire delay in making the claim was unintentional, and (3) a petition under 37 CFR 1.181 (no fee) by counsel of record requesting entry and consideration of attached communications signed by counsel who is not of record and who does not allege that he is acting in a representational capacity for the named inventors, or for record assignee of the entire interest.

The petition filed by counsel of record under 37 CFR 1.78(a)(6) is **dismissed.**

The petition filed by counsel of record under 37 CFR 1.183 for waiver of the rules is **dismissed.**

The petition filed by counsel of record under 37 CFR 1.181 is **granted** to the extent that the aforementioned attached communications filed July 21, 2005, are being permitted to remain in the record, but is **dismissed** in that the USPTO will not take any action on, or otherwise consider, the third party communications.

With respect to the petition filed under 37 CFR 1.78(a)(6) by counsel of record:

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 when the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application is submitted, or, as here, re-submitted after cancellation but also 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) an adequate statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The

> Commissioner may require additional information where there is a question whether the delay was unintentional.

This petition lacks item (3) above, and as such, is dismissed.

BACKGROUND

Inspection of the record reveals that applicants included, on filing, in the unexecuted declaration a claim for benefit of provisional Application No. 60/415,391('391) which was filed on October 2, 2002. That benefit claim was recognized by the USPTO, notwithstanding that it was not included in either the first line of the specification or in an application data sheet as required by 37 CFR 1.78, as shown by its entry under the caption "Domestic Priority Data" on the filing receipt mailed December 29, 2003, the updated filing receipt mailed March 15, 2004, and the appropriate entry on corresponding U.S. Patent Application Publication No. US20040120454A1 published June 24, 2004. This circumstance is mentioned in MPEP 201.11, subsection D, which states that:

> If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (*e.g.*, if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

On February 26, 2004, applicants filed an executed declaration under 37 CFR 1.63 that repeated the claim for benefit.

Thus, while the reference to the '391 prior provisional application was not submitted in either the first line of the specification or in an ADS within the later of four months from the actual filing date of the instant application (which was February 2, 2004) or sixteen months from the filing date of the prior-filed provisional application (which again was February 2, 2004) as required by 37 CFR 1.78(a)(5)(ii), the claim was recognized by the USPTO.

However, on December 2, 2004, applicants filed: (1) another executed declaration under 37 CFR 1.63 that now lacked the claim for benefit, (2) a communication captioned "remarks" referring to the accompanying executed declaration, that specifically requested cancellation of the benefit claim per MPEP 201.11(G), and also referred to an accompanying request for a corrected filing receipt that lacked the benefit claim, and (3) a request for a corrected filing receipt that reflected cancellation of the benefit claim.

A corrected filing receipt was mailed by the USPTO on December 14, 2004, reflecting that the priority claim had been cancelled as requested by applicants on December 2, 2004.

On January 7, 2005, applicants requested that the USPTO not act on the documents filed on December 2, 2004, in that they were acting on instructions from a Massachusetts Superior Court.

On January 12, 2005, applicants filed a petition under 37 CFR 1.182 seeking to halt or undo their requested cancellation of the benefit claim, along with, for the first time, the amendment required by 37 CFR 1.78(a). The date that the required reference to the provisional application was first filed herein is January 12, 2005, by way of the supplemental amendment filed that date, which is far beyond the time periods set forth in 37 CFR 1.78(a).

The petition under 37 CFR 1.182 was dismissed as immaterial in the decision of April 22, 2005, and applicants were advised that if any relief were to be forthcoming, it would have to be sought under the provisions of 37 CFR 1.78(a)(6). Applicants were further advised, that, as noted in MPEP 201.11 subsection G, since the deliberate cancellation of the claim for benefit of the '391 application raised the issue of whether the delay in claiming benefit was unintentional, any forthcoming petition under 37 CFR 1.78(a)(6) should specifically address this issue.

OPINION

Petitioner has failed to carry his burden of proof to establish to the satisfaction of the Director that the entire delay in filing the amendment with the benefit claim in the above-identified application was "unintentional" within the meaning of 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6).

The legislative history of Public Law 97-247, § 3, 96 Stat. 317 (1982), by which Congress first enacted the unintentional delay standard, reveals that the purpose, as embodied in 35 U.S.C. § 41(a)(7) was 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 placed a limit on this discretion stating that "[u]nder this section a petition accompanied by [the requisite fee] 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." H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. 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 CFR 1.137(b). This standard is further discussed in MPEP 711.03(c), subsection II, C (1). In 1992 Congress extended the unintentional delay standard to the reinstatement of expired patents, set forth in 35 U.S.C. § 41(c). See Centigram Communications Corp. v. Lehman, 32 USPQ2d 1346, 1348-9 (DC EVa 1994). In 1999, by way of the American Inventor's Protection Act, Congress further extended the unintentional delay standard to apply to acceptance of: as here, belated claims for § 119(e) benefit of prior provisional applications, or belated claims for § 120 benefit of prior non-provisional applications, or belated notice required by §122(b) in a national stage application of a filing in a foreign country or under a multilateral international agreement; or a belated § 119(a)-(e), and (f), benefit claim of a filing in another intellectual property authority or country.

It is clear that the cancellation of the benefit claim on December 2, 2004, was a deliberate act, intentionally performed by way of not 1, but 3, separate communications signed by both applicants and their duly appointed counsel. Accordingly, by any reasonable interpretation of the "unintentionally delayed"' requirement of 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6), the delay in submission of the amendment for a benefit claim cannot be considered unintentional delay. The consequence of that deliberate waiver is, however, that the delay from that date until at least January 12, 2005, when applicants sought to reinstate that benefit claim, is not unintentional delay.[1] Thus the entire delay from February 4, 2004, when the amendment was due, until January 12, 2005, (and thereafter) is not unintentional due to applicants' deliberate cancellation of the claim on and after December 2, 2004. The reference to the prior provisional '391 application was not submitted in either the first line of the specification or in an ADS within

[1] Even here however, since applicants are acting involuntarily to reinstate the benefit claim as they are only acting pursuant to a court order; such is not seen to be an "unintentional" delay on their part. In other words, the period of intentional delay began on, and continues to run from, December 2, 2004.

the later of four months from the actual filing date of the instant application (which was February 2, 2004) or sixteen months from the filing date of the prior-filed provisional application (which again was February 2, 2004) as required by 37 CFR 1.78(a)(5)(ii). MPEP 201.11, subsection III D does not apply to the circumstance of, as here, a canceled benefit claim. The hiatus in the benefit claim arising from applicant's deliberate cancellation of that benefit claim means that there was no benefit claim to "correct" within the meaning of MPEP 201.11, subsection III D. While there had been a prior, timely, claim for benefit of the '391 application, that claim was cancelled on December 2, 2004. As such, there was no existing claim for benefit of the '391 application on and after December 2, 2004. Since, on and after December 4, 2004, there was no existing claim for benefit of the '391 application, there was no existing benefit claim that could be "corrected." Since the amendment proffered on January 12, 2005, to re-instate the canceled claim for benefit was not filed within the later of either 4 months from the instant filing date (i.e., February 2, 2004) , or 16 months from the filing date of the '391 application (i.e., again, February 2, 2004), a grantable petition under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6) is required as a condition of resurrecting that cancelled claim by way of the proffered amendment. See MPEP 201.11, Subsection V. In brief, MPEP 201.11 subsection III D does not speak to the instance, where, as here, a benefit claim has been deliberately waived by intentional cancellation. Rather, MPEP 201.11 subsection III G is controlling here:

> A cancellation of a benefit claim to a prior application may be considered as a showing that the applicant is intentionally waiving the benefit claim to the prior application in the instant application. If the applicant later files a petition to accept an unintentionally delayed claim to add the benefit claim to the prior application in the same application from which the benefit claim was canceled, the Office may refuse to accept such benefit claim because the delay was not unintentional.

Indeed, if the submission of a claim for benefit of *a* given application is made for the first time outside the period required by 37 CFR 1.78(a)(5) or, as here, the re-submission or requested reinstatement of a canceled benefit claim of a given application, is likewise presented outside the period required by 37 CFR 1.78(a)(5), and each were properly construed to be a "correction" of a benefit claim that would not require a petition and fee, then it is difficult to imagine a situation where the petition and fee would ever be required. But see 35 U.S.C. § 119(e)(1)("n]o application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment... is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application." Here, since the first time that the amendment required by both the relevant statute and regulation for a benefit claim was filed was January 12, 2005, which is beyond the time limits specified in 37 CFR 1.78(a), there can be no doubt that a grantable petition is required for the belated claim to now be accepted by the USPTO.

The December 2, 2004, filing of the 3 documents that requested cancellation of the claims, resulted in that there was no priority claim to cancel, this is simply inconsistent with the record, as the USPTO had, as provided for in MPEP 201.11, subsection III D, recognized their priority claim from the date the application was filed until it was expressly cancelled at applicants' request on December 2, 2004. That benefit claim was recognized by the USPTO, notwithstanding that it was not included in either the first line of the specification or in an application data sheet as required by 37 CFR 1.78, as shown by its entry under the caption "Domestic Priority Data" on the filing receipt mailed December 29, 2003, the updated filing receipt mailed March 15, 2004, and the appropriate entry on corresponding U.S. Patent

Application Publication No. US20040120454A1 published June 24, 2004, and applicants never contended that the USPTO had erred in recognizing the benefit claim. Indeed, the documents filed December 2, 2004, showed applicants' awareness of the prior USPTO recognition of their benefit claim, and expressly mentioned in 2 separate papers that such claim was now being expressly cancelled.

The subsequent order from the Massachusetts Superior Court does not excuse the delay herein in submission (or re-submission) of the benefit claim, nor does such convert the applicants' deliberate cancellation of the benefit claim on December 2, 2004, to the applicants' unintentional delay in filing the benefit claim amendment and seeking reinstatement of the benefit claim. Rather, the appearance of the court order is merely a change in circumstance that occurred subsequent to the express cancellation of the benefit claim and applicants' deliberate failure to maintain in force herein the benefit claim, which does not render "unintentional" the delay resulting from the previous deliberate decision to cancel the benefit claim. It is immaterial to the nature of the delay herein that the third party, or counsel for the third party, may not have agreed with, or was unaware of, cancellation of the benefit claim. Neither applicants nor the third party cannot undo the delay herein. The test is not whether some of the delay was unintentional on the part of any party; rather, the entire delay in submission of the benefit claim must be shown to the satisfaction of the Director to be unintentional.

With respect to the petition filed by counsel of record under 37 CFR 1.183 for waiver of the rules:

In order for grant of any petition under 37 CFR 1.183, petitioners must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioners have not shown that either condition exists in this case.

Petitioners mention a request that the USPTO waive the express regulatory requirement that the "entire delay" was unintentional between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed.[2] 37 CFR 1.183 by its express terms, is not

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[2] The USPTO requires that the entire period of the 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 1992 amendment to 35 U.S.C. § 41(c) which provided for reinstatement of expired patents upon a showing satisfactory to the Director that the nonpayment of the maintenance fee was unintentional, likewise indicated there was more discretion in reinstating a patent under the unintentional standard than under the unavoidable standard, but did not otherwise change or redefine the meaning of unintentional as already understood and applied to the revival of abandoned applications. Cf. 138 Cong. Rec. E 168 et seq. (June 4, 1992)(statement of Rep. McCollum). Likewise, the 1999 amendments to the patent statute to provide for acceptance of unintentionally delayed priority claims did not otherwise change or redefine the meaning of unintentional as already understood and applied to the revival of abandoned applications, and reinstatement of expired patents. Applying this same requirement as a prerequisite to the initial submission of a priority benefit request , or reinstatement of a earlier priority benefit request, likewise prevents abuse and injury to the public.

available to waive any requirement of the rules that is also a requirement of the patent statute. Here, however, the relevant statute requires that the amendment submitted January 12, 2005, can only be accepted if it: (1) was unintentionally delayed and (2) is submitted during the pendency of the application. See 35 USC 119(e)(1). While the statue does not expressly require that the entire delay have been unintentional, it is equally true that the statue does not expressly permit that only some of the delay be unintentional. Indeed, it is not seen, and petitioner does not show, how the submission of this or any amendment can be considered to be unintentionally delayed within the meaning of the statute and regulation if in fact any of the delay was not unintentional. As with the other sections of the patent statue embodying the unintentional delay standard, the USPTO also here requires that the entire delay be unintentional as a means of preventing abuse and injury to the public.

Accordingly, while condition 2 above has been satisfied, rule 183 is not here available to waive the other statutory requirement that the amendment in question must be "unintentionally delayed" in its submission. The USPTO simply has neither the discretion nor the power to relax any requirement of § 119(e)(1). See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234-1235 (Fed. Cir. 1998)(the USPTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes 35 U.S.C. §§ 112, 120); A. F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977), (since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute).

While petitioners did not expressly also seek waiver of the regulatory, but non-statutory, 4 or 16 month period of the rule for submitting (without a petition, fee, and statement of unintentional delay) an amendment adding or reinstating the canceled benefit claim, there is no basis given or apparent for granting such a request, notwithstanding the clear Congressional intent expressed in § 119(e)(1) for triggering a petition and fee for belated claims. See Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985)(petitioner's failure to heed published notice of USPTO procedures will not be permitted to shift, in equity, his lack of diligence onto the USPTO). Since the filing (or lack of filing) error noted above was entirely due to petitioners, and was not caused or contributed to by the USPTO, this case is even further removed from consideration as an "extraordinary situation" where "justice requires" an extraordinary remedy. See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000). Only after receipt of the court order, did petitioners seek retraction of their express waiver of the benefit claim by re-submission of that benefit claim. However, 37 CFR 1.183 should not be considered a panacea for an applicant's tactical errors in prosecution. See, Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing papers); Hahn v. Wong, 892 F.2d. 1028, 13 USPQ2d 1313 of (Fed. Cir. 1993)(ignorance of the provisions of the rules or the substantive requirements of law is not a basis for extraordinary relief to consider an additional submission).

With respect to the third party communications:

The communication signed by duly appointed counsel requests entry and consideration of the attached communications. Inspection of the attached communications reveals that (1) they are not signed by counsel duly appointed under 37 CFR 1.33, (2) they do not purport to be filed by any counsel acting in a representational capacity per 37 CFR 1.34(b) for either the named inventors or the record assignee, (3) make various arguments against the need for a petition under 37 CFR 1.78(a)(6), request clarification of the USPTO communication of April 22, 2005,

or alternatively, treatment of the attached communication as a "conditional" petition under the aforementioned regulation, and (4) request extraordinary relief under 37 CFR 1.182 or 1.183, if required. Indeed, the attached communications are filed on behalf of a party in litigation with the record assignee regarding ownership of this application.

For the reasons noted above, however, the attached communications signed by a counsel not of record and not acting expressly or impliedly in a representational capacity for either the record assignee, or for the named inventors, must be regarded as a third party communication with respect to this application. This is particularly so given the adversarial nature of the litigation noted above. However, the mere assertion in the attached communications of a right to have the Office act in accordance with the statutes and regulations does not confer standing upon the third party. The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988). Further, a third party does not have standing to challenge Office decisions made *ex parte.* See, e.g., Godtfredsen v. Banner, 503 F.Supp 642, 647, 207 USPQ 202, 207 (D.D.C. 1980), Syntex v. United States Patent and Trademark Office, 882 F.2d 1570, 1574-1575, 11 USPQ2d 1866, 1870 (Fed. Cir. 1989), Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920 (Fed. Cir. 1989).

In Emerson Electric Co. v. Davoil, Inc., 88 F.3d 1051, 39 USPQ2d 1474 (Fed. Cir. 1996), the Federal Circuit held that a *federal* district court exceeded its authority in ordering a patentee to file a submission in the USPTO on behalf of a third party. Accordingly there is no adequately demonstrated need to further consider the third party papers herein, merely due to the accompanying request by applicants for entry and consideration thereof. Thus, whether the third party communications seek clarification of, or disagree with, the USPTO communication of April 22, 2005, or are self-styled as a "conditional" petition under 37 CFR 1.78(a)(6), or seek to invoke the extraordinary remedy provisions of the rules, is of no moment. There is nothing in the patent statutes which gives rise to a right in nonapplicants to object to the way in which patent applications of other inventors are treated by the Patent and Trademark Office. A third party has no right to intervene in a particular patent application. Animal Defense Fund v. Quigg, 932 F.2d 920, 930, 18 USPQ2d 1677, 1685 (Fed. Cir. 1991)("[w]e find nothing in the law which gives rise to a right in nonapplicants to object to the way in which patent applications of others are prosecuted."; Hallmark Cards, Inc. v. Lehman, 959 F. Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997).

The Office has promulgated regulations permitting third parties to file protests and petitions for public use proceedings in applications that have not been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.291 and 1.292) and to file prior art submissions in applications that have been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 et seq. (37 CFR 1.99). The rules of practice, however, do not permit a third party to petition the Office to accept an allegedly unintentionally delayed priority claim. That the Office does permit a third party to file certain papers in an application does not afford a third party with standing to challenge Office decisions made in that application. Cf. Boeing, supra (that a third party is permitted to participate in district court action concerning a reexamination proceeding does not imply that the third party has standing to appeal a district court decision favorable to patent owner). Caution is urged if contemplating the submission of any further papers herein in that the Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, such as a third party, and not otherwise authorized by the rules of practice, to be a petition or paper presented for an improper purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination time frames specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, the Office may refer any further

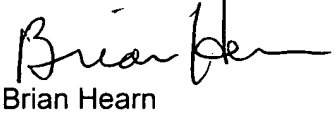
improper third party communication or petition in this or any other application to the Office of Enrollment and Discipline for appropriate action.

Since the petition under 37 CFR 1.78(a)(6) to accept the belated benefit claim has not been approved, per MPEP 1002.02(b), ¶ 5, by this office, the examiner necessarily remains without authority to enter the amendment submitted January 12, 2005, that seeks to re-instate the cancelled priority claim. The former benefit claim under § 119(e) remains deliberately waived and expressly canceled by the papers filed December 2, 2004, as indicated in the corrected filing receipt mailed December 14, 2004, and, as such, has no further force and effect.

As authorized, fees totaling $1770 ($400 for a petition under 37 CFR 1.183 and $1370 for a petition under 37 CFR 1.78(a)(6)) have been charged to record counsel's deposit account. The fees were due regardless of the outcome of the decision.

This application is being referenced to the Technology Center.

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.



Brian Hearn
Petitions Examiner
Office of Petitions

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MAR 16 2007

Stephanie Seidman
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In re Application of :
NGUYEN et al :
Serial No.: 10/677,977 : Decision on Petition
Filed : October 2, 2003 :
Attorney Docket No.: 9061 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on January 30, 2007 requesting reconsideration of the restriction requirement.

BACKGROUND

On November 2, 2004, the examiner mailed a first restriction requirement in which the original claims 1-44 were divided in 5 groups. The examiner further required an election of species to a number of mutations in the sequence, a protease scaffold sequence and a pathology.

On January 3, 2005, Applicants elected with traverse. The examiner found the traversal persuasive in part and then she examined Groups I and II together: claims 1-16 and 45-58 were searched an examined on the merits. The species examined was granzyme B protease scaffold and cancer as the pathology.

Applicants filed a response and added more claims.

On 11 April 2006, examiner sent out a second restriction requirement in which Claims 1-7, 9, 11-16, 45-48, 50-54, 56-66 were divided in 4 groups. The examiner again further required an election of species to a single species of a target and a single species of protease.

On September 11, 2006, applicants responded by electing Group IV, Claims 63-66, drawn to a method of identifying a human protease mutein employing the recited target and species of proteases recited therein. Applicant further elected the species of the target protein is caspases 3 and the species where the protease is granzyme B. The response traversed on the grounds that the methods contain related subject matter and each of Groups I-IV contain overlapping subject matter (see page 14 of the response filed September 11, 2006).

On November 30, 2006 the examiner mailed to applicants a second non-final Office action, this time, searching and examining Group IV (Claims 63-66) on the merits. The examiner incorrectly asserted that the election was made without traverse because applicant did not distinctly and specifically point out the errors in the restriction requirement. The examiner overlooked applicant's 6 pages of traversal.

On January 30, 2007, applicants filed this petition to request that the Office reconsider the restriction requirement.

DISCUSSION

The petition and file history have been carefully considered.

MPEP 803 states:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

MPEP 806 states in part:

> The general principles relating to distinctness or independence may be summarized as follows:
>
> .....
>
> (C) Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.
>
> ....
>
> Where restriction is required by the Office double patenting cannot be held, and thus, it is imperative the requirement should never be made where related inventions as claimed are not distinct. For (B) and (C) see MPEP § 806.05 - § 806.05(j) and § 809.03. See MPEP § 802.01 for criteria for patentably distinct inventions.

The petition filed January 30, 2007 clearly illustrates the overlapping steps and scope for each of the groups in the table presented on pages 3-6. The methods of Groups I-IV are not mutually exclusive and share overlapping subject matter. Moreover, the Office has already provided an examination of original Group I and II (in the first Office action) and Group IV (in the second Office action) for this single application, demonstrating that examination of Group I and IV, at least, did not impose a serious burden. Because the groups, as claimed, are not distinct and because the concurrent examination would not present a serious burden, requiring restriction between the claims is improper.

DECISION

The petition is **GRANTED** for the reasons set forth above. Claims 1-7, 9, 11-16, 45-48, 50-54, 56-62 are rejoined with the claims already under examination (Claims 63-66), and said claims will be examined together.

The requirement to elect a single protease (granzyme B) and a single target protein caspases 3 is maintained. Should the elected species become allowable, the claims will be examined according to election of species practice set forth in MPEP 803.02.

The application will be forwarded to the examiner for further action consistent with this decision and for the preparation of a new non-final action which addresses Group I, II, III and IV set forth in the restriction requirement mailed 11 April 2006.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600
jb/jg

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Alexandria, VA 22313-1450
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Paper No. 110104

DUANE MORRIS LLP
100 College Rd. West, Suite 100
Princeton, NJ 08540

DEC - 8 2004

In re Application of:
Kurtz et al.
Serial No.: 10/677,986
Filed: October 2, 2003
Attorney Docket No.: **Kulite-92**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 2, 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 Paul A. Schwarz, on behalf of himself and all the attorneys/agents of record. The request is **APPROVED**.

There are no attorneys/agents of record at this time.

All future communications from the Office will be directed to Plevy & Howard, at the below address, until otherwise notified by applicant.

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Plevy & Howard
600 North Easton Rd.
Willow Grove, PA 19090

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 26 2007

OFFICE OF PETITIONS

Kathleen Semet
403 Osprey Pt Dr.
Brielle NJ 08730

In re Application of Babiak :
Application No. 10/678,001 : Decision on Petition
Filing Date: October 3, 2001 :
Attorney Docket No. SEMET-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 5, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Facts:

A final Office action was mailed May 25, 2005. The Office action set a shortened statutory period for reply of three (3) months.

An amendment was filed August 19, 2005.

Per the Advisory Action mailed September 1, 2005, the amendment was not entered.

An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Therefore, the application became abandoned as of August 26, 2005.

A Notice of Abandonment was mailed on April 4, 2006.

The instant petition states Attorney Peslak requested directions from the client as to whether or not to proceed to file a response to the outstanding Office action on an unspecified date.

The petition states instructions were not received prior to the final deadline to respond to the final Office action.

The client called the examiner directly on an unspecified date to discuss the abandonment of the application.

The instant petition was filed February 5, 2007.

The petition was not filed until more than 17 months after the date of abandonment.

Discussion:

Petitioner has submitted a statement that the delay was unintentional. Normally, a statement is sufficient to satisfy 37 CFR 1.137(b)(3). However, 37 CFR 1.137(b)(3) allows the Office to request further information regarding the "unintentional" delay. In this case, the facts raise a question as to whether the entire delay in filing a petition under 37 CFR 1.137(b) was unintentional.

Petitioner should provide a complete and detailed discussion of the facts including all relevant dates.

Petitioner should submit a copy of any letter sent to the client requesting instructions on how to respond to the final Office action. Petitioner should clearly explain the date the letter was sent. If the request for instructions was oral, petitioner should full discuss the content and date of the discussion.

After the attorney received the Notice of Abandonment, did the attorney notify the client the application was abandoned?

When did the client speak directly with the examiner?

When did the client contact the attorney and instruct the attorney to file a petition to revive the application?

Any request for reconsideration should include a statement from the client.

When responding to the instant decision, petitioner should note that, where there is a question whether the 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).

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

By facsimile: (571) 273-8300
Attn: Office of Petitions

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARTHUR M. PESLAK, ESQ.
MANDEL & PESLAK, LLC
80 SCENIC DRIVE
FREEHOLD, NJ 07728

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of Babiak :
Application No. 10/678,001 : Decision on Petition
Filing Date: October 3, 2001 :
Attorney Docket No. SEMET-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **granted**.

A final Office action was mailed May 25, 2005. The Office action set a shortened statutory period for reply of three (3) months. An amendment was filed August 19, 2005. Per the Advisory Action mailed September 1, 2005, the amendment was not entered. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Therefore, the application became abandoned as of August 26, 2005. A Notice of Abandonment was mailed on April 4, 2006.

The instant petition requests revival of the application.

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

Technology Center Art Unit 3711 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

In re Application of :
COGLITORE, Giovanni et al. :
Application No. 10/678,006 : DECISION ON PETITION
Filed: October 01, 2003 : TO WITHDRAW
Attorney Docket No. **443452000103** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles Holland on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GIOVANNI COGLITORE**
216 WEDGEWOOD AVENUE
LOS GATOS, CA 95032

cc: **BILL GALLIANI**
COOLEY GODWARD KRONISH LLP
FIVE PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306-2155

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

Mail Date: 04/21/2010

Applicant	: Marc-Alan Levine	: DECISION ON REQUEST FOR
Patent Number	: 7591813	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/01/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1072** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Alexandria, VA 22313-1450
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OCT 2 9 2004

Director's Office
Group 3700

Richard Eby
Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202

In re application of
Herbert C. Preul

Serial Number: 10/678009
Filed: October 02, 2003

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)

For: **WASTEWATER CONTROL SYSTEM**

This is a decision on the petition filed on October 02, 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
(703) 308-0975

rt: 10/28/04

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/13/07

Paper No.: _____

TO SPE OF : ART UNIT 1772

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/678001 Patent No.: 7163728

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: _____

_____

_____

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_____

SPE

1772
Art Unit

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1/13/09

Patent No. :7163728
Ser. No. :10/678021
Inventor(s) :John Finger
Issued : 1/16/07
Title : MULTI-LAYERED OPAQUE THERMALLY IMAGED LABEL
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

SCOTT R. CONLEY
FROST BROWN TODD LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

HR

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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Patent No. 7,163,728 :
Issue Date: January 16, 2007 :
Application No. 10/678,021 : DECISION ON PETITION
Filed: October 02, 2003 :
Attorney Docket No. **27980/0519156** :

This is a decision on the petition, filed, January 30, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "General Data" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "General Data" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. 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 after issuance of this application into a patent.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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RENNER, KENNER, GREIVE,
BOBAK, TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

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FEB 14 2005

OFFICE OF PETITIONS

In re Application of:	:	
Dringenberg et al.	:	
Application No. 10/678,022	:	DECISION ON
Filed: September 11, 2003	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.137(b)
ANGULARLY ADJUSTABLE	:	
ILLUMINATED SPOILER	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2004, to revive the above-identified application. The petition is being treated under the unintentional provisions of 37 CFR 1.137(f).

This Petition is hereby **granted**.

The above-identified application became abandoned pursuant to 35 USC 122 (b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multinational international agreement, the 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[1]; (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 Commissioner may require additional information where there is a question whether the delay was unintentional.

[1] The filing of a petition under this section will not relieve application of the obligation to reply to any outstanding Office action.

The instant petition has been found 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 as provided by 35 USC 122(b)(2)(B)(iii) 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 Communication Regarding Rescission of Nonpublication Request, indicating a projected publication date of May 26, 2005, accompanies the present petition.

This application is being referred to the Publishing Division for publishing of the application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

Enclosure: Communication Regarding Rescission of Nonpublication Request

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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
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106 S. MAIN STREET
AKRON OH 44308

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OFFICE OF PETITIONS

In re Application of	:	
Steven A. Dringenberg et al.	:	
Application No. 10/678,022	:	DECISION ON PETITION
Filed: October 3, 2003	:	UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: ALM. P. US0001	:	
Title: ANGULARLY ADJUSTABLE ILLUMINATED SPOILER	:	

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on February 3, 2006.

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 October 31, 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,

---

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).

the above-identified application became abandoned on February 1, 2006.

With the present petition, Petitioner has submitted the petition fee, the publication fee, the issue fee, and the proper statement of unintentional delay.

As such, the petition is **GRANTED**.

The phone number for the Office of Patent Publication is (571) 272-4200. 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/19/06 **Paper No.:** _____

TO SPE OF : **Technology Center** 1761 10/678025

SUBJECT : Request for Certificate of Correction on Patent No.: 7078066 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
Certificates of Correction Branch
Tel. No. 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:

_____

_____

_____

_____

_____

_____ 1794
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/19/06 **Paper No.:** _____

TO SPE OF : **Technology Center** 1761 10/678025

SUBJECT : Request for Certificate of Correction on Patent No.: 7078066 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
Certificates of Correction Branch
Tel. No. 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:

MILTON I. CANO
SUPERVISORY PATENT EXAMINER

1794

1794

SPE **Art Unit**

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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WARNER J DELAUNE JR
ADAMS AND REESE LLP
450 LAUREL STREET
SUITE 1900
BATON ROUGE LA 70801

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OFFICE OF PETITIONS

In re Application of :
Solis et al. :
Application No. 10/678,039 : ON PETITION
Filed: October 1, 2003 :
Attorney Docket No. 6074-2 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 19, 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 February 20, 2004. 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 April 21, 2004. A Notice of Abandonment was mailed on November 26, 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 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
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Alexandria, VA 22313-1450
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WARNER J DELAUNE JR
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
450 LAUREL STREET, 20TH FLOOR
BATON ROUGE, LA 70801

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SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Ronnie SOLIS, et al. :
Application No. 10/678,039 :
Filed: October 1, 2003 :
Attorney Docket No. **6074-2** :

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 30, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Warner Delaune, the sole attorney of record. Warner Delaune has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

There is an outstanding non-final Office action mailed March 24, 2009 that requires a reply from the applicant.

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

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **RONNIE SOLIS**
4441 N. 1-10 SERVICE ROAD W.
METAIRIE, LA 70006

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OFFICE OF PETITIONS

WARD & OLIVO
Suite 300
382 Springfield Avenue
Summit, NJ 07901

In re Application of
Diane Nerby
Application No. 10/678,048
Filed: October 2, 2003
Attorney Docket No. 927-001

: DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 15, 2007, 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 or properly reply to the Notice to File Missing Parts (Notice) mailed on November 18, 2004. 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 application became abandoned on January 19, 2005.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of John W. Olivo, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney or authorization of agent must be submitted.

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).

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 "under 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 (almost 3 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 January 19, 2005. 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 Ward and Olivo were counselors of record at the time of abandonment, he 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. 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), and whoever else was involved with this application at the time of abandonment. Statements are required from any and all 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, almost 3 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 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 Denise Williams at (571) 272-8930.

Andrea Smith
Petitions Examiner
Office of Petitions

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Suite 300
382 Springfield Avenue
Summit, NJ 07901

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OFFICE OF PETITIONS

In re Application of :
Diane Nerby :
Application No. 10/678,048 : DECISION ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 927-001 :

This is a decision on the renewed petition under the 37 CFR 1.137(b), filed January 5, 2009, to revive the above-identified application.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Joe H. Shallenburger appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

In response to the decision mailed August 7, 2008, which set a time period of two months from the mail date of the decision, petitioner submits the present renewed petition and an authorization to charge an extension of time and/or any other fees as required. Since the present renewed petition was not filed until January 5, 2009, a three months extension of time is required. Thus, $555 will be charged to petitioner's deposit account.

Since the above-identified application has been abandoned for an extended period of time, the Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The requirements of 37 CFR 1.137(b) has been satisfied, in that petitioner has supplied (1) the reply in the form of an executed oath/declaration; (2) the petition fee of $770; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
Yang-Sheng Xu et al :
Application No. 10/678,050 : ON PETITION
Filed: October 1, 2003 :
Attorney Docket No. INSIG1.012AUS :

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 17, 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 August 18, 2004.

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

This matter is being referred to Technology Center AU 3714 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA CA 95056-5326

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JUN 30 2004

OFFICE OF PETITIONS

In re Reissue Application No. 10/678,053 :
Filed: October 2, 2003 :
Original Patent No 6,298,092 :DECISION ACCORDING STATUS
Issue Date: October 2, 2001 :UNDER 37 CFR 1.47(a)
Original Application No. 09/585,948
Filed: June 2, 2000 :
Inventors: Heath, Sebastian, Paulraj :
:

This is a decision on the petition filed May 10, 2004, under 37 CFR 1.47(a) to accord this reissue application status in the absence of the signature of joint inventor Sebastian

The petition under 37 CFR 1.47(a) to accord this reissue application status is **granted.**

The 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 and the Office of Initial Patent Examination is authorized to

(1) accept this application under 37 CFR 1.47(a);

(2) process the application with the inventors being Heath, Sebastian, and Paulraj, using the reissue oath/declaration filed May 10, 2004; and

(3) mail a filing receipt with a filing date of October 2, 2003.

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

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-1820.

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
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Mr. Peroor Sebastian
262 Higdon Ave., Apt. 4
Mountain View CA 94041

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OFFICE OF PETITIONS

In re Reissue Application No. 10/678,053 :
Filed: October 2, 2003 :
Original Patent No 6,298,092 :
Issue Date: October 2, 2001 :Letter
Original Application No. 09/585,948 :
Filed: June 2, 2000 :
Inventors: Heath, Sebastian, Paulraj :

Dear Mr. Sebastian
You are named as a joint inventor in the above-identified United States reissue 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 reissue 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 address below) would presumably assist you in joining in the application and such would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63; 1.175.

Inquiries related to this communication may be addressed to the undersigned at (703) 305-1820. 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).

Telephone inquiries related to this communication only should be directed to the undersigned at (703) 305-1820.

Brian Hearn

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA CA 95056-5326

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of :
Stephem M. Ackerman et al :
Application No. 10/678,063 :DECISION GRANTING PETITION
Filed: October 6, 2003 :
Attorney Docket No. 018767-0239 :

This is a decision on the petition filed July 13, 2004, to issue the above-identified application in the name of the assignees.

The petition is **granted**.

In view of the expedited issuance of patents, the printing process of this application may have progressed to the point where the corrected assignee data cannot be included on the printed patent. If the corrected assignee data does not appear on the printed patent, petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the $100 fee therefor.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3218. Any questions concerning the issuance of this application into a patent should be directed to Customer Services at (703) 308-6789.

This matter is being referred to the Publishing 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
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ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS VA 20165

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OFFICE OF PETITIONS

In re Application of	:	
Yamazaki et al.	:	DECISION ON PETITION
Application Number: 10/678083	:	TO WITHDRAW HOLDING OF
Filing Date: 10/06/2003	:	ABANDONMENT
Attorney Docket Number: 0756-7209	:	

This is a decision on the petition, filed on October 22, 2007, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on April 4, 2007. A Notice of Abandonment was mailed on October 18, 2007.

Petitioners assert that a proper response was in fact timely filed in the form of an amendment and an Information Disclosure Statement (IDS). In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of an amendment and an IDS in the United States Patent and Trademark Office (Office) on July 9, 2007. Additionally, petitioners have submitted a copy of the amendment and IDS with the present petition.

Petitioners' response to the restriction or election requirement is not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the reply to the Office action was received in the Office but was not matched with the application file.

The date-stamped on the post card of July, 9, 2007, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the

U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

37 CFR 1.8(b) states:

> 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.

The petition lacks item (3). Petitioner has not provided a statement by the person who signed the Certificate of Mailing which attests on a personal knowledge basis to the previous timely mailing or transmission. Petitioners should provide a statement by Adele M. Stamper, the person who signed the Certificate of Mailing dated July 5, 2007.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[1]

---

[1] 37 CFR 1.181(f).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Yamazaki et al.	:	DECISION ON PETITION
Application Number: 10/678083	:	TO WITHDRAW HOLDING OF
Filing Date: 10/06/2003	:	ABANDONMENT
Attorney Docket Number: 0756-7209	:	

This is a decision on the renewed petition, filed on December 12, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on April 4, 2007. A Notice of Abandonment was mailed on October 18, 2007.

Petitioners again assert that a proper response was in fact timely filed in the form of an amendment and an Information Disclosure Statement (IDS). In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of an amendment and an IDS in the United States Patent and Trademark Office (Office) on July 9, 2007. Additionally, petitioners have submitted a copy of the amendment and IDS with the present petition. The amendment contains a Certificate of Mailing dated July 5, 2007, signed by Adele Stamper. The renewed petition, filed on December 12, 2007, is accompanied by a declaration by Adele Stamper, counsel's secretary, stating that she believes that she deposited the envelope containing the amendment and IDS in first-class mail with the USPS on July 5, 2007.

Petitioners' response to the restriction or election requirement is not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the reply to the Office action

was received in the Office but was not matched with the application file.

The date-stamped on the post card of July, 9, 2007, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The statement provided is considered to be a statement to the Satisfaction of the Director to the previous timely mailing or transmission of the reply.[1]

As petitioners have provided convincing evidence that a reply to the non-final Office action mailed on April 4, 2007, was timely filed on July 5, 2007, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

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

The application is being referred to Technology Center Art Unit 2823 for further processing.

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

---

[1] See 37 CFR 1.8(b)(3).

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KATSANEVAKIS ATHANASIOS
2 V. KON/NOU STR.
THESSALONIKI MACEDONIA 552 3-6
GREECE

COPY MAILED
SEP 12 2006
OFFICE OF PETITIONS

In re Application of :
Katsanevakis :
Application No. 10/678,113 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. N/A :
For: METHOD FOR THE CO-GENERATION OF HEAT & POWER IN CONJUCTION WITH HIGH TEMPERATURE HEAT NEEDS

This is a decision on the correspondence filed on June 14, 2006, which is being treated as a constructive petition under 37 CFR 1.181, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to an Office letter purportedly mailed on September 12, 2005. The Office contended that this application became abandoned for failure to reply to the September 12, 2005 Office letter, as was explained in A Notice of Abandonment, mailed on May 22, 2006.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that no September 12, 2005 Office letter was received. The undersigned finds this argument completely convincing, as there is no September 12, 2005 Office letter present in the application file.

A review of the application file reveals that a non-final Office action was mailed on June 29, 2005, which set an extendable three month period for reply. On September 12, 2005, applicant filed drawings and an amendment (albeit informal). There is no record of a September 12, 2005 Office letter.

Applicant responded to the June 29, 2005 non-final Office action in a timely manner. There are no outstanding Office actions. Therefore, the constructive petition under 37 CFR 1.181 is

granted, the holding of abandonment is withdrawn, and the May 22, 2006 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3769 for consideration of the drawings and amendment filed on September 12, 2005

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-29-05

TO SPE OF : ART UNIT 2800

SUBJECT : Request for Certificate of Correction on Patent No.: 6781124

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.

Can claims be Approved

Thank You For Your Assistance

Ennis Young
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** LN — **All** changes apply.

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

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

Comments:

It's OK to replace the claims in the patent by the claims submitted on 03/22/2006

LN

STEPHEN MEIER
SUPERVISORY PATENT EXAMINER
SPE

2853
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 10/23/06

TO SPE OF : ART UNIT 3729

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/678134 Patent No.: 7082674 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**.

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: _____

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

SPE

3729
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

APR 21 2004

In re Application of	:	
Douglas B. Vaden	:	
Serial No. 10/678,152	:	DECISION ON PETITION
Filed: October 6, 2003	:	TO MAKE SPECIAL
For: TOSSING GAME	:	

Applicant's petition, filed October 6, 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

Richard C. Litman
Litman Law Offices, Ltd.
P.O. Box 15035
Arlington, VA 22215

Day : Saturday
Date: 6/14/2008

PALM INTRANET

Time: 13:08:18

PTA Calculations for Application: 10/678154			
Application Filing Date:	10/06/2003	PTO Delay (PTO):	490
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	158
Post-Issue Petitions:	0	Total PTA (days):	252
PTO Delay Adjustment:	-80		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
74	06/14/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		80	
67	01/09/2008	MAIL NOTICE OF ALLOWANCE			
66	01/08/2008	ISSUE REVISION COMPLETED			
65	01/08/2008	DOCUMENT VERIFICATION			
64	01/07/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
63	01/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
62	01/07/2008	NOTICE OF ALLOWABILITY			
59	12/17/2007	DATE FORWARDED TO EXAMINER			
58	12/10/2007	RCE- AF PROCESSED			
57	12/17/2007	DATE FORWARDED TO EXAMINER			
56	12/10/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		4	48
55	12/17/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
54	12/10/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
53	11/27/2007	MAIL ADVISORY ACTION (PTOL - 303)			
52	11/26/2007	ADVISORY ACTION (PTOL-303)			
51	11/15/2007	DATE FORWARDED TO EXAMINER			
50	11/09/2007	AMENDMENT AFTER FINAL REJECTION			
49	10/15/2007	CASE DOCKETED TO EXAMINER IN GAU			
48	09/06/2007	MAIL FINAL REJECTION (PTOL - 326)	140		40
47	09/04/2007	FINAL REJECTION			
46	09/01/2007	APPEAL BRIEF REVIEW COMPLETE			
45	06/08/2007	CORRESPONDENCE ADDRESS CHANGE			
44	06/08/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			

Office action mailed November 17, 2006 was filed May 22, 2007. The final Office action was mailed September 6, 2007, which is within four months of the date that the response to the non-final Office action was filed.

As further reflected in the Determination of Patent Term Adjustment mailed January 9, 2008, this adjustment is further properly reduced four days in accordance with 37 CFR 1.704(b) in connection with the RCE filed December 10, 2007.

Accordingly, at the time of allowance, the application is entitled to an adjustment 252 days (adjustment for Office delays totalling 350 days less reductions for applicants delays totalling 98 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

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JUN 16 2008

In re Application of :
Black, et al. : LETTER REGARDING PTA
Application No. 10/678,154 :
Filed: October 6, 2003 :
Atty. Dkt. No.: DIX001-154 :

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT," filed April 9, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed January 9, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 332 days. Applicants advise that the correct adjustment is 252 days.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 252 days, as indicated by applicants.

An adjustment of 350 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on November 21, 2005.

As indicated by applicants, the adjustment of 350 days is properly reduced 94 days, rather than 154 days in accordance with 37 CFR 1.704(b). The reduction began February 18, 2007, the day after the date that is three months after the date that the non-final Office action was mailed, and ended May 22, 2007, the date that a response thereto was filed.

As pointed out by applicants, a statement on the substance of an interview summary was filed December 19, 2006 in response to the interview summary mailed November 21, 2006. The statement was not a response to the non-final Office action mailed November 17, 2006, as indicated by applicants. Accordingly, the previous reduction of 154 days was incorrect.

As further pointed out by applicants, the adjustment of 140 days reflected in the Determination of Patent Term Adjustment mailed January 9, 2008 was made in error. A response to the non-final

Best Available Copy

43	06/08/2007	DATE FORWARDED TO EXAMINER			
42	05/22/2007	SUPPLEMENTAL RESPONSE		154	40
41	04/13/2007	DATE FORWARDED TO EXAMINER			
40	12/19/2006	RESPONSE AFTER NON-FINAL ACTION			
39	12/09/2006	MISCELLANEOUS INCOMING LETTER			
36	11/21/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
35	11/15/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
34	11/17/2006	MAIL NON-FINAL REJECTION			
33	11/13/2006	NON-FINAL REJECTION			
32	08/28/2006	MAIL ADVISORY ACTION (PTOL - 303)			
31	08/21/2006	ADVISORY ACTION (PTOL-303)			
30	07/25/2006	DATE FORWARDED TO EXAMINER			
29	07/19/2006	AMENDMENT AFTER FINAL REJECTION			
28	05/19/2006	MAIL FINAL REJECTION (PTOL - 326)			
27	05/15/2006	FINAL REJECTION			
26	02/15/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	02/15/2006	REFERENCE CAPTURE ON IDS			
24.7	02/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	22
24	02/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	02/24/2006	DATE FORWARDED TO EXAMINER			
22	02/15/2006	RESPONSE AFTER NON-FINAL ACTION			
21	11/21/2005	MAIL NON-FINAL REJECTION	350		-1
20	11/14/2005	NON-FINAL REJECTION			
19	10/06/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	08/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	08/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
16	03/24/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	03/24/2004	CASE DOCKETED TO EXAMINER IN GAU			
14.7	10/06/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	10/06/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	02/23/2004	APPLICATION RETURN FROM OIPE			

12	02/23/2004	APPLICATION RETURN TO OIPE			
11	02/23/2004	APPLICATION DISPATCHED FROM OIPE			
10	02/23/2004	APPLICATION IS NOW COMPLETE			
9	01/05/2004	ADDITIONAL APPLICATION FILING FEES			
8	01/05/2004	SMALL ENTITY STATEMENT (37 CFR 1.27)			
7	01/05/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	12/29/2003	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	12/19/2003	CASE CLASSIFIED BY OIPE			
3	12/19/2003	CLEARED BY OIPE CSR			
2	12/06/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/06/2003	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

DOCKET NO.: DIXI01-00010 PATENT
Customer No.: 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Talbert James Black, Jr., et al
Application No.	:	10/678,154
Filed	:	October 6, 2003
For	:	VENDING MACHINE DISPENSING SYSTEM
Art Unit	:	3651
Examiner	:	Rakesh Kumar

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

GOOD FAITH AND CANDOR LETTER
REGARDING PATENT TERM ADJUSTMENT

The Applicant respectfully notes that the patent term adjustment calculation appears to award an excessive term adjustment to the Applicant. The Applicant believes the correct patent term adjustment calculation is 252 days based on:

- +350 days for the time between 14 months from filing and the first Office Action;
- -94 days for the Applicant's response to the November 17, 2006 Office Action; and
- -4 days for the Applicant's response to the September 6, 2007 Office Action.

The Applicant believes the incorrect patent term adjustment calculation is based on an improper entry in the PAIR system. The Applicant filed a Statement on Substance of Interview

on December 19, 2006. This was not a response to the November 17, 2006 Office Action but was instead a response to the Examiner's Interview Summary mailed November 21, 2006. The actual response to the November 17, 2006 Office Action was received by the Office on May 22, 2007. This should have resulted in a 94-day deduction, and it also means that the Office Action mailed September 6, 2007 was within four months of the Applicant's response.

The Applicant respectfully requests correction of the patent term adjustment calculation, as well as an opportunity to review any new patent term adjustment calculation.

The Commissioner is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.

Date: April 9, 2008

William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *wmunck@munckbutrus.com*

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

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MAR 29 2006

OFFICE OF PETITIONS

In re Application of :
Francine Goulet et al :
Application No. 10/678,167 : DECISION ON PETITION
Filed: October 6, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 238813US-6 DIV :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 28, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional Application No. 60/252,588, filed November 24, 2000, as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

The petition fails to comply with item (1) above.

The instant application cannot claim the benefit of provisional Application No. 60/252,588 because the instant application was filed on October 6, 2003, which is well over twelve (12) months of filing of the provisional application. However, it would be proper for intermediate Application No. 09/990,320, filed November 23, 2001, to claim benefit of U.S. Provisional Application No. 60/252,588. See MPEP §§ 201.11 and 201.06(d).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] to correct the above matter, along with a renewed petition under 37 CFR 1.78(a)(6), 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

37 CFR 1.78(a)(3) and 1.78(a)(6) require 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. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.78(a)(6), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78(a)(6).

Any questions concerning this matter may be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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MAR 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Goulet et al.	:	
Application No. 10/678,167	:	DECISION ON PETITION
Filed: 6 October, 2003	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 31014/41515	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed on 2 October, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119 for the benefit of priority to the prior-filed provisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(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)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119 and 37 CFR 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)(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.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119 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 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 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 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 3738 for appropriate action on the amendment filed on 2 October, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119 to the prior-filed application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/678,167	10/06/2003	3738	1736	238813US-6 DIV	20	1

CONFIRMATION NO. 5723

4743
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

CORRECTED FILING RECEIPT

OC000000022812840

Date Mailed: 03/08/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Francine Goulet, Sainte-Foy, CANADA;
Denis Rancourt, Levis, CANADA;
Rejean Cloutier, Sillery, CANADA;
Julie Tremblay, Beauport, CANADA;
Francois A. Auger, Sillery, CANADA;
Albert Normand, Sainte-Foy, CANADA, Deceased;
Constance Guillemette, Sainte-Foy, CANADA, Legal Representative;
Lucie German, St-Augustin, CANADA;
Jean Lamontagne, St-Augustin, CANADA;
Marc Bouchard, Sainte-Foy, CANADA;
Eve Langelier, St-Eitienne-de-Lauzon, CANADA;
Daniel Dupuis, Sainte-Foy, CANADA;
Stephane Bouchard, Hull, CANADA;
Nazrul Islam, Sainte-Foy, CANADA;
Louis-Mathieu Stevens, Montreal, CANADA;
Sheila Laverty, St-Charles-sur-Richelieu, CANADA;
Bertrand Lussier, St-Hyacinthe, CANADA;
Anne-Marie Belzil, Outremont, CANADA;
Pierrot Tremblay, Chicoutimi, CANADA;

Assignment For Published Patent Application

UNIVERSITE LAVAL, Quebec, CANADA

Power of Attorney: The patent practitioners associated with Customer Number **04743**.

Domestic Priority data as claimed by applicant

This application is a DIV of 09/990,320 11/23/2001
which claims benefit of 60/252,588 11/24/2000

Foreign Applications

If Required, Foreign Filing License Granted: 12/29/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/678,167

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Connective tissue substitutes, method of preparation and uses thereof

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for

issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15 (b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 04/21/2010

Applicant	: David Joseph Kropaczek	: DECISION ON REQUEST FOR
Patent Number	: 7636652	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,170	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: 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.

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OFFICE OF PETITIONS

DIEDERIKS & WHITELAW, PLC
12471 DILLINGHAM SQUARE
#301
WOODBRIDGE, VA 22192

In re Application of:
Dexter V. Bautista, Thomas Roger Meinardi and Joshua Robert Powell
Application No. 10/678,186
Filed: October 6, 2003
Title of Invention: ULTRASONIC SENSOR FOR DETECTING THE DISPENSING OF A PRODUCT

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to a Petition Under 37 CFR 1.47, filed May 27, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition is properly treated under 37 CFR 1.47(a).

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, Dexter V. Bautista, 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 inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The oath/declaration has been entered and made of record.

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

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MAY 21 2008

TECHNOLOGY CENTER 3600

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

In re Application of
Paul Kelley, et al.
Application No. 10/678,190
Filed: October 6, 2003
For: PRODUCT SUPPORT AND DISPENSING SYSTEM FOR A VENDING MACHINE

: DECISION ON PETITION
: UNDER 37 CFR §1.144

This is a decision on the petition under 37 CFR 1.144 filed June 11, 2007, for review of a Restriction Requirement mailed October 20, 2006.

The petition is **GRANTED**.

This application was filed October 6, 2003 and included claims 1-16 directed toward "A vending machine", and claims 17-21 directed toward "A method of adjusting a product dispensing system for a vending machine to accommodate various sized product containers". On July 5, 2006, the Examiner mailed a Restriction Requirement between Invention I, recited in claims 1-9, Invention II recited in claims 10-16, and Invention III, recited in claims 17-21. The Examiner alleged that Inventions I, II, and III, are related as sub-combinations disclosed as usable together in a single combination. In response to the Restriction Requirement, on August 4, 2006, Petitioner elected Invention I, but traversed the Restriction Requirement as it relates to Inventions I and II. On August 2, 2006 a telephonic interview was held with the Petitioner and the Examiner in which the Examiner indicated "Claims 2 and 10 are distinct subcombinations, claim 1 is an evidence claim, so restriction is proper between groups I and II in accord with MPEP 805cIII." On October 20, 2006, the Examiner mailed a new Restriction Requirement between Invention I, recited in claim 1, Invention II, recited in claims 2-9, Invention III, recited in claims 10-16, and Invention IV, recited in claims 17-21. The Examiner again alleged that Inventions I, II, III, and IV are related as sub-combinations disclosed as usable together in a single combination. In response to the second Restriction Requirement, Petitioner elected Invention II with traverse. On February 8, 2007 the Examiner issued a non-final rejection and made the second Restriction Requirement Final. On June 11, 2007,

Petitioner filed a Petition pursuant to 37 C.F.R. § 1.144 for review of the Restriction Requirement mailed October 20, 2006.

M.P.E.P. § 806.05(d) states, "Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants."

In this application, claims 1-16 are directed toward "A vending machine". Therefore, at least claims 1-16 overlap in scope and are not restrictable as subcombinations disclosed as usable together in a single combination. The second Restriction Requirement is improper, and it is not in accordance with the guidelines in M.P.E.P. § 806.05(d). Moreover, claims 1-16 include three independent apparatus claims, and it does not appear that these three independent claims can be restricted from each other. However, claims 17-21 are process claims and may be restrictable from claims 1-16.

The Restriction Requirement mailed October 20, 2006 is hereby vacated. This application is being forwarded to the Examiner for continued prosecution in accordance with this Decision. If the examiner determines that a requirement for restriction should be made in this application, the examiner must provide a clear and detailed record of the requirement by following the outline of Letter for Restriction Requirement provided in M.P.E.P. § 817.

This application is being forwarded to the examiner of record.

Any questions regarding this Decision should be directed to Patrick Mackey at (571) 272-6916.

Kathy Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

PM/SNM: 4/29/08
SM

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P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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OFFICE OF PETITIONS

In re Application of	:	
Frederic Robert D. P. Hei, et al	:	
Application No. 10/678,199	:	DECISION ON PETITION
Filed: October 2, 2003	:	TO WITHDRAW
Attorney Docket No. 1631446USD1	:	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).

Sarah M. Monfeldt has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed on February 26, 2007 that requires a reply by applicant.

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

April Wise
Petitions Examiner
Office of Petitions

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MCKENNA LONG & ALDRIDGE LLP
Song K. Jung
1900 K Street, N.W.
Washington DC 20006

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JUL 23 2008

In re Application of :
Eugenio Cruz Garcia :
Application No. 10/678,219 : DECISION ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 5724.017.24-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed, July 30, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is longer from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on August 31, 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 After Non-Final, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of Mark R. Kresloff appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney or authorization of agent must be submitted.

Additionally, 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. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

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12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025

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OFFICE OF PETITIONS

In re Application of	:	
Lashkari et al.	:	
Application No. 10/678,247	:	DECISION DISMISSING
Filed: 3 October, 2003	:	PETITION
Atty Docket No. 6655P003	:	

This is a decision in reference to the paper filed on 10 June, 2004, which is treated as a petition, requesting that the above-identified application be accorded a filing date of 3 October, 2003, with Figure 7C described in the specification as a part of the original disclosure.

On 3 October, 2003, the application was filed.

Accordingly, on 29 December, 2003, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application stating, *inter alia*, that Figure 7C described in the specification (description and claims) appeared to have been omitted from the application. In response, on 29 March, 2004, petitioners filed a one month time extension, the oath or declaration, and a surcharge for its late filing. On 12 April, 2004 (certificate of mailing 8 April, 2004), petitioners filed a preliminary amendment containing Figure 7C.

Accordingly, on 9 April, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application, again stating that the application had been accorded a filing date of 3 October, 2003, but that Figure 7C described in the specification appeared to have been omitted.

In response, the present petition was filed on 10 June, 2004 (certificate of mailing date 8 June, 2004). Petitioners apparently request that the application be accorded a filing date of 3 October, 2003, with Figure 7C as a part of the original disclosure.

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 3 October, 2003, nor request the 12 April, 2004 (the date the drawings were supplied), filing date. Instead, petitioners state that the omitted Figure does not contain any new matter.

As Figure 7C was not present on 3 October, 2003, the application cannot be accorded a filing date of 3 October, 2003, with Figure 7C as a part of the original disclosure. Still further, the question of new matter is not an issue here. Figure 7C simply was not filed in the USPTO on 3 October, 2003.

The preliminary amendment filed on 12 April, 2004, 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 Figure 7C described in the specification filed on 12 April, 2004, will be reviewed with the preliminary amendment for new matter.

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. 02-2666, as authorized in the petition.

The application is being forwarded to Technology Center 2600 for examination in due course with a filing date of 3 October, 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of :
Gary William Yeager et al :
Application No. 10/678,249 : DECISION GRANTING PETITION
Filed: October 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 133816-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 30, 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 May 1, 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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

1/5/09

Patent No. :6897282
Inventor(s) :Freshour et al.
Issued : 5/24/2005
Title : Compositions Comprising Functionalized Polyphenylene Ether Resin
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 col. 22 claim 2, is printed in accordance with the record and please show evidence of an amendment or document. 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

Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CT 06103

HR/MD

PUBS Routing Sheet

Application # 10495925 Doc Code Date 1-5-09

Date of Request 1-5-09 Doc Code _____ (if not listed)

☐ 892 List of References cited by Examiner	☐ ISSUE.WD.NTC Notice of Withdrawal from Issue	☐ PETDEC Petition Decision
☐ 1449 List of References cited by Applicant	☐ IFW Issue Information	☐ PGEA.D PreGrant Publication Express Abandonment-Dismissed
☐ ABN Abandonment	☐ IMIS Internal Miscellaneous Paper	☐ PGEA.G PreGrant Publication Express Abandonment - Granted
☐ BIB Bibliographic Data Sheet	☐ LET. Miscellaneous Incoming Letter	☐ PGREF Request for Refund of Publication Fee Paid
☐ CDEN Request for Certificate of Correction Denied	☐ M327 Miscellaneous Communication to Applicant	☐ RUSH Printer Query Form
☐ CLM Claims	☐ M903 Notice of DO/MO Acceptance Mailed	☐ SPEC Specification
☐ COCIN Request for Certificate of Correction	☐ N271 Response to Amendment under Rule 312	☐ STAT.DISCLMR Statutory Disclaimers
☐ COCOUT Certificate of Correction	☐ N417 Status Letter Mailed to Applicant	☐ W/AC Withdrawal of previous action
☒ COCX SPE Response to Request for Certificate of Correction	☐ N427 Post Allowance Communication Transaction	☐ XRUSH Internal Response to Printer Query
☐ CTMS Miscellaneous Office Action	☐ N570 Accepted Change to Power of Attorney	
☐ IFEE Issue Fee Payment Record	☐ PET.DEC.PUBS Petition Decision routed to Publications	

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1-5-09

Patent No. : 7,375,095 B2
Application No : 10/495,975
Inventor(s) : Oku, et al.
Issued : May 20, 2008
Title : SUGAR DERIVATIVE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (571) 273-8300
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.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Browdy and Neimark
624 Ninth Street, NW
Suite 300
Washington, DC 20001-5303

vj/MFD

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In re Patent No. 6897282
Issue Date: May 24,2005
Application No. 10678252
Filed: October 3,2003
Attorney Docket No. 08CN8799A-11

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 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 July 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)
6897282	2005-05-24	10678252	2003-10-03	08CN8799A-11-US-CIP

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	/John B. Yates/	Date (YYYY-MM-DD)	2009-07-13
Name	John B. Yates	Registration Number	39433

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
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PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

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APR 19 2004

OFFICE OF PETITIONS

n re Application of
David Johnson
Application No. 10/678,253
Filed: October 3, 2003
Attorney Docket No. 75252-022

ON PETITION

This is in response to the petition under 37 CFR 1.53, filed February 23, 2004, in response to the Notice of Incomplete Application mailed February 3, 2004, and requesting a filing date of October 3, 2003.

The petition under 37 CFR 1.53 is **GRANTED.**

The instant application was deposited with the USPTO on October 3, 2003. On February 3, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Application" indicating that the application was deposited without drawings and which set a two (2) month shortened statutory period for reply.

In response, on February 23, 2004, the present petition was filed, accompanied by, *inter alia*, one (1) sheet of drawings. Because the return postcard receipt date-stamped October 3, 2003 properly itemizes the contents of the application package in accordance with MPEP § 503, the Office concludes that one (1) sheet of drawings was filed on October 3, 2003 with the application papers but the drawings were misplaced in the office. The office apologizes for any inconvenience occasioned by the loss of the drawings.

It is noted that the number of pages of specification, claims, abstract and 1 sheet of drawings as itemized on petitioners' postcard receipt, was hand-written while the remainder of the postcard receipt was typed. The Office is construing the handwritten notations on the postcard receipt as having been made **before** the application papers and postcard were deposited with the USPTO on October 3, 2003. Petitioners **must** inform the Office if this is not a correct interpretation.

In view of the foregoing, the **petition to accord a filing date of October 3, 2003** will be accorded this application. The petition fee in the amount of $130.00 will be credited to petitioner's deposit account no. 16-2500 as no fee is due.

This file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 3, 2003 using the one (1) sheet of drawings supplied February 23, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

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

STAAS & HALSEY LLP
1201 NEW YORK AVENUE NW
SUITE 700
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Takashi Kikuchihara et al	:	
Application No. 10/678,258	:	DECISION DISMISSING PETITION
Filed: October 6, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1419.1045C	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 5, 2006 and supplemented on January 9, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment; namely, Application Nos. 10/806,216, filed March 23, 2004, and Application No. 10/056,090, filed January 28, 2002.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1).

Initially, the amendment is improper in that a claim for priority must be based on a prior-filed application, not a later-filed application. *See* 37 CFR 1.78(a)(2). In this regard, the filing date of

March 23, 2004 for Application No. 10/806,216 is later than the filing date of this application. Accordingly, priority cannot be claimed to Application No. 10/806,216.

Next, 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Lastly, the amendment is not acceptable as drafted since it improperly incorporates by reference prior-filed Application No. 10/056,090. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3), along with an Application Data Sheet or an amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which corrects the above-noted matters, 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) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/25/09

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 10678268 Patent No.: 7081684

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.

XApproved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: Changes are acceptable

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Tulsidas C Patel/

SPE Art Unit

2839

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

Kevin L. Leffel
Heidelberg Digital L.L.C.
2600 Manitou Road
Rochester NY 14624

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APR 2 7 2004

OFFICE OF PETITIONS

In re Application of
Eric C. Stelter et al.
Application No. 10/678,287
Filed: October 3, 2003
Attorney Docket No.: 10257
Title: TRANSFER ROLLER WITH RESISTIVITY RANGE

DECISION ON PETITION

This is a decision on the petition filed October 27, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign or an international application on October 1, 2003.

The record discloses that on October 3, 2003, the date of filing of the instant application, a Request and Certification under 35 USC 122(b)(2)(B)(i) was filed, certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing." This request was signed by the Petitioner.

[redacted]

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

On October 27, 2003, a Request to Rescind the Nonpublication Request was filed with the instant petition. Petitioner thus requested under 35 USC 122(b)(2)(B)(ii) that the Request and Certification under 35 USC 122(b)(2)(B)(i) be rescinded and the application revived because this application became abandoned for failure to notify the Office within 45 days of the filing of a corresponding international or foreign application. With the instant petition, petitioner states that an international or foreign application corresponding to the instant application was filed on **October 1, 2003**, which date is **prior** to the date of filing the instant application.

The instant nonprovisional application did not become abandoned as a result of the published foreign or international application filed prior to the present application. In this regard, 35 USC 122(b)(2)(B)(iii) states:

> An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days **after the date of the filing of such foreign or international application**. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional (emphasis added).

The facts of this case are that the subject application was filed on October 1, 2003, and the corresponding application was filed on October 3, 2003. The statute does not provide for the situation where a certification under 35 USC 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under a multilateral agreement. The statute at 35 USC 122(b)(2)(B)(iii) only provides for revival in the situation where a certification was made under 35 USC 122(b)(2)(B)(i) at the time of filing the application and an application was subsequently filed in a foreign country without notifying the Office within 45 days of the filing thereof.

In view of the above, and since this application did not become abandoned pursuant to the provisions of 35 USC 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(f)is inappropriate and must be dismissed.

Therefore, the petition is **DISMISSED AS INAPPROPRIATE**.

The previous Request and Certification under 35 U.S.C. §122(b)(2)(B)(i), filed with the original application papers, has been rescinded. Unfortunately, due to a software problem the Office is currently experiencing, the Office cannot determine the projected publication date at this time.

The petition fee of $130.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office. Payment of the $130.00 petition fee is acknowledged.

After the mailing of this decision, the application file will be forwarded to Technology Center 2800 for further processing.

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

[redacted]

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. None

Kevin L. Leffel
Heidelberg Digital L.L.C.
2600 Manitou Road
Rochester NY 14624

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APR 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Eric C. Stelter et al. :
Application No. 10/678,287 : LETTER
Filed: October 3, 2003 :
Attorney Docket No.: 10257 :
Title: TRANSFER ROLLER WITH :
RESISTIVITY RANGE :

On April 27, 2004, a decision was mailed on the petition filed October 27, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

That decision set forth:

The petition fee of $130.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office. Payment of the $130.00 petition fee is acknowledged.

The text "$130.00" was a typographical error, in that the petition fee which has been charged to Petitioner's Deposit Account is $1,330.00. The Office regrets this error.

After the mailing of this decision, the application file will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding *this letter* 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
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BETH READ
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

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OFFICE OF PETITIONS

In re Application of :
Eric C. Stelter et al :
Application No. 10/678,287 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 10257 :

This is a decision on the petition under 37 CFR 1.313(c), filed February 16, 2006, 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 September 29, 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 2852 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon
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
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of :
Wakatsuki et al. :
Application No. 10/678288 :
Filing or 371(c) Date: 10/03/2003 :
Patent No.: 7452842 :
Issue Date: 11/18/2008 :
Attorney Docket No. :
5445-031822 :

This is a decision on the Petition for Suspension of Rules (37 CFR 1.183), filed May 14, 2009, requesting a change in the name of the assignee after payment of the issue fee. The petition is properly treated under 37 CFR 3.81(b).

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect Japan Oil, Gas and Metals National Corporation, and Japan Petroleum Exploration Co., Ltd., as the assignees of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate 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 after issuance of this application into a patent.

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

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

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OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki, et al. :
Application No. 10/678,299 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No.: 740756-2662 :

This is a decision on the petition, filed June 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 May 3, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2811 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

Date : June 15, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Shunpei Yamazaki, et al.
Application No. : 10/678,299
Filed : October 6, 2003

The above-identified application has been assigned Patent No. 7,064,349 and an issue date of June 20, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 20, 2006:

> "All reference to Patent No. 7,064,349 to SHUNPEI YAMAZAKI, ET AL. of JAPAN for ELECTRO-OPTICAL DEVICE AND ELECTRONIC DEVICE appearing in the Official Gazette of June 20, 2006, should be deleted since no patent was granted."

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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DEC 0 3 2007

OFFICE OF PETITIONS

In re Application of :
DIGANGI et al. :
Application No. 10/678,305 : DECISION ON PETITION
Filed: 10/06/2003 :
Attorney Docket No. 4345-35 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 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 on January 10, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 11, 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, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 3616 for appropriate action by the Examiner in the normal course of business on the reply received on August 20, 2007.

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
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MILLER & MARTIN
1000 VOLUNTEER BUILDING
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CHATTANOOGA TN 37402-2289

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AUG 15 2008

In re Application of :
Weiner, et al. :
Application No. 10/678,316 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 04615-0100 32,207A :
For: IMBEDDED VINYL FLOORING PRODUCT

This is a decision on the petition under 37 CFR 1.181, filed June 6, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Quayle action, mailed August 20, 2007, which set forth an extendable two (2) month period for reply. The Office contended that this application became abandoned on October 21, 2007 for failure to reply. A Notice of Abandonment was mailed on May 28, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a terminal disclaimer was timely filed on certificate of mailing date August 30, 2007 and received in the Office on September 4, 2007. The undersigned finds this argument completely convincing, as the terminal disclaimer is present in the application file and Office financial records shows that the required terminal disclaimer fee was previously submitted on June 5, 2006. The only outstanding issue in the August 20, 2007 Quayle action was a proper terminal disclaimer being filed. On September 14, 2007, the Office approved the September 4, 2007 (certificate of mailing date August 30, 2007) terminal disclaimer.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the May 29, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be returned to Technology Center A.U. 1794 for the preparation and mailing of a Notice of Allowance and Fee(s) Due and a Notice of Allowability.

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

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AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
M/S DU404
P.O. BOX 7599
LOVELAND CO 80537-0599

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JUL 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Rocklin et al.	:	
Application No. 10/678,332	:	ON PETITION
Filed: October 3, 2003	:	
Attorney Docket No. 10030606-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 10, 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 Transmittal with payment of the issue/publication fees; (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.

This matter is being referred to the Publication Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

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MAY 07 2007

OFFICE OF PETITIONS

RISTO A. RINNE, JR.
COMPLETE PATENTING SERVICES
2173 EAST FRANCISCO BOULEVARD, SUITE E
SAN RAFAEL CA 94901

In re Application of :
Wilkerson et al. : DECISION ON PETITIONS
Application No. 10/678,335 :
Filed: 10/03/2003 :
Attorney Docket No. EMPATHY :

This is a decision on the petition under 37 CFR 1.181, filed July 14, 2006, to withdraw the holding of abandonment. This is also a decision on the petition under 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application.

The petition under 37 CFR 1.181 is dismissed.

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

This application became abandoned for failure to submit corrected drawings within the three-month statutory period set forth in the Notice of Allowability, mailed on April 25, 2003. Specifically, the Notice of Allowability stated that corrected drawings (as "replacement sheets") must be submitted, including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached to Paper No./Mail Date November 3, 2004. As no reply was received, the application became abandoned on July 26, 2005. A Notice of Abandonment was mailed on April 6, 2006.

Petition under 37 CFR 1.181

In essence, petitioner asserts that no response to the Notice of Allowability was required because corrected drawings had been filed on April 2, 2004, prior to the mailing of the Notice of Allowability. Petitioner states that Private PAIR shows a correction on April 25, 2006, indicating drawings were not required. Petitioner submits a copy of the Private PAIR report with the present petition.

Petitioner's argument has been carefully considered, but is not persuasive. At the outset, it is noted that there is an entry in PAIR's File History indicating "04-25-2005 Correction – Drawing NOT Required," however, there is no documentary evidence in the official file to support this conclusion. The Notice of Allowability stated that corrected drawings were required and that "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.**" (Emphasis added). Petitioner did not to respond to the Notice of Allowability by either submitting corrected drawings or presenting an argument that such drawings were not necessary. Rather, petitioner allowed the statutory period to run. The Notice of Allowability clearly stated that a reply thereto was required to be filed, regardless of whether petitioner believed that all of the examiner's requirements had already been fulfilled.

Further, there is no showing in the written record that the examiner agreed that no reply to the Notice of Allowability was required. As MPEP 711.03(c) states, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Therefore, the showing of record is that the abandonment resulted from petitioner's failure to respond to the Notice of Allowability, rather than an error on the part of the USPTO. The application was properly held abandoned.

The petition under 37 CFR 1.181 is **DISMISSED.**

Petition under 37 CFR 1.137(b)

Petitioner submitted corrected drawings with the present petition. Petitioner has met the requirements to revive the application under 37 CFR 1.137(b). Accordingly, the petition under 37 CFR 1.137(b) is **granted.**

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200.

Telephone inquiries specifically concerning 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

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WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of :
Kazutaka Yamamoto :
Application No. 10/678,357 :
Filed: October 6, 2003 :
Attorney Docket No. R2180.0059/PO059-E :

ON PETITION

This is a decision on the petition, filed February 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 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 the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2655 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).

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FEB 20 2007

OFFICE OF PETITIONS

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

In re Application of :
Kazutaka Yamamoto :
Application No. 10/678,357 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. R2180.0059/P059-E :

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 October 24, 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

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).

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PITTSBURGH PA 15219

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MAY 0 6 2005

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Suresh C. Gupta et al. :
Application No. 10/678,363 :
Filed: October 3, 2003 :
Attorney Docket No. 3419-031890 :

This is a decision on the petition filed June 1, 2004, under 37 CFR 1.181, to acknowledge priority and for the issuance of a corrected filing receipt, which is treated under 37 CFR1.182.

The petition is **GRANTED**.

Petitioner requests a corrected filing receipt showing that 35 USC 371 application 09/319,390 filed June 1, 1999 and provisional application no. 60/032,149 filed December 3, 1996 were in the chain of priority for the instant application.

As a review of Office PALM records shows that they been corrected consistent with petitioners request, no correction is necessary.

A corrected Filing Receipt is enclosed with this communication.

The petition fee of $130.00 is unnecessary and will be credited to counsel's Deposit Account, No. 23-0650.

A corrected Official Filing Receipt is included with this decision.

This matter will be referred to Technology Center 2834 for examination in due course.

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

ATTACHMENT: CORRECTED OFFICIAL FILING RECEIPT

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OFFICE OF PETITIONS

In re Patent No. 7,412,105	:	ON PETITIONS
Gregg Wilensky	:	under 37 CFR 1.183
Issue Date: August 12, 2008	:	and
Application No. 10/678,366	:	ON REQUEST FOR RECONSIDERATION
Filed: October 3, 2003	:	OF PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
07844-617001	:	

This is a decision on the 1) Petition under 37 C.F.R. 1.183, requesting that the Office suspend the rules and consider on the merits an Application for Patent Term Adjustment Under 37 CFR 1.705(d) filed more than two months from the date the above-referenced patent issued; and on the 2) Application for Patent Term Adjustment Under 37 CFR 1.705(d), both filed on December 22, 2008.

The petition under 37 CFR 1.183 is **dismissed**.

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **dismissed as untimely filed**.

Any request for reconsideration, whether directed to the decision on petition under 37 CFR 1.183 or to the decision on application for patent term adjustment under 37 CFR 1.705(d), must be filed within two months of the mailing date of this decision. Extensions of time under 37 CFR 1.136 are not permitted. See § 1.181(f).

BACKGROUND

On August 12, 2008, the above-identified application matured into U.S. Patent No. 7,412,105, with a revised patent term adjustment of 717 days. No request for reconsideration of the patent term adjustment indicated in the patent was filed within two months of the date the patent issued. Patentee now petitions under 37 C.F.R. § 1.183 to (i) suspend or waive the requirement of 37 C.F.R. § 1.705(d) that a Request for Reconsideration of Patent Term Adjustment be filed within two months of the date the patent issued; and (ii) consider the enclosed Request for Reconsideration of Patent Term Adjustment. Patentee references the recent decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008) as the basis for the petition.

ON PETITION UNDER 37 CFR 1.183
TO WAIVE THE TWO-MONTH REQUIREMENT OF 37 CFR 1.705(d)

The above-referenced patent issued on August 12, 2008. A request for reconsideration of the patent term adjustment indicated in the patent was not filed until December 22, 2008. Petitioner requests that the Office suspend the rules and consider on the merits the Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d) even though it was untimely filed more than two months from the date the patent issued.

The relevant regulation, 37 CFR 1.705(d), provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, *any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued* and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues. (*emphasis* added).

By the express provisions of 37 CFR 1.705(d), a request for reconsideration of patent term adjustment must be filed within two months of the date the patent issued. It is undisputed that no such request for reconsideration was filed by September October 12, 2008, the date two months from the date this patent issued, August 12, 2008. Rather, on December 22, 2008, nearly three (3) months after the issuance of a decision in Wyeth v. Dudas on September 30, 2008, petitioner filed the instant request for waiver of the two-month requirement.

37 CFR 1.183 provides that:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

35 U.S.C. 154, requires the Office to provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director. But, the statute allows the Director to establish the procedures for requesting such reconsideration. Those procedures[1] include pursuant to 37

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[1] 35 U.S.C. § 154(b)(3) provides that the USPTO shall: (1) prescribe regulations establishing procedures for the application for and determination of patent term adjustments under 35 U.S.C. § 154(b); (2) make a determination of any patent term adjustment under 35 U.S.C. § 154(b) and transmit a notice of that determination with the notice of allowance under 35 U.S.C. § 151; and (3) provide the applicant one opportunity to request reconsideration of any patent term adjustment determination. Pursuant to the mandate and authority in 35 U.S.C. § 154(b)(3), the USPTO promulgated 37 C.F.R. § 1.705, which provides that: (1) the notice of allowance will include notification of any patent term adjustment under 35 U.S.C. § 154(b)(37 C.F.R. § 1.705(a)); (2) any request for reconsideration of the patent term adjustment indicated in the notice of allowance (except as provided in 37 C.F.R. § 1.705(d)) must be by way of an application for patent term adjustment filed no later than the payment of the issue fee and accompanied by (inter alia) the fee set forth in 37 C.F.R. § 1.18(e)(37 C.F.R. § 1.705(b)); and (3) if the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued.

CFR 1.705(d) setting a two-month period for filing a request for reconsideration of the revised patent term adjustment indicated in the patent.

Having considered petitioner's arguments, it is concluded that waiver of the two-month requirement is not warranted. The primary basis for requesting waiver set forth by petitioner is "the extraordinary situation presented by the recent decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008)." Specifically, petitioner states that in Wyeth, the U.S. District Court for the District of Columbia held that contrary to USPTO practice, a patentee is entitled to Patent Term Adjustment credit for examination delay under 37 CFR 1.702(b) in addition to any examination delay under 37 CFR 1.702(a), to the extent that the two periods of delay "do not occur on the same calendar day or days."

Petitioner has not explained why it could not have filed a Request for Reconsideration of Patent Term Adjustment within two months of the date the above-referenced patent issued. Apparently, petitioner's argument is that the basis for the Request for Reconsideration of Patent Term Adjustment is the Wyeth decision, which was entered more than one month after the issuance of their patent.

The fact that any relief ultimately granted in Wyeth would benefit patentee had they timely filed a request for reconsideration does not make the situation extraordinary. Wyeth followed the procedure set forth in 37 CFR 1.705 for requesting reconsideration of the patent term adjustment determination. Then, pursuant to 35 U.S.C. 154(b)(4)(A), Wyeth timely filed a complaint in District Court seeking judicial review of the Office's decision. A Memorandum Opinion and Order, the Wyeth decision of September 30, 2008, directed to the parties involved was issued.

Petitioner chose not to challenge their revised patent term adjustment within the two-month period. Petitioner's argument that they could not have filed a Request for Reconsideration of Patent Term Adjustment within two months of the date the above-referenced patent issued because the basis for the Request for Reconsideration of Patent Term Adjustment is the Wyeth decision, which was entered more than one month after the issuance of their patent, is not persuasive.

Petitioner could have filed a Request for Reconsideration of Patent Term Adjustment as Wyeth did. It is acknowledged that petitioner may have chosen not to file a request for reconsideration based on a conclusion that the Office's interpretation of 35 U.S.C. § 154(b)(2)(A) was correct. Nonetheless, the fact that the District Court has now issued an Opinion contrary to the Office's interpretation does not make the situation extraordinary. This is not unlike any other situation where a patentee (or applicant) challenges a final agency decision and the decision upon judicial review could have had applicability to another patentee (or applicant) had they taken such action. In fact, many patentees may be in the same situation as petitioner with respect to the Wyeth decision. In addition, given that the law only allows 180 days for both the filing of a petition and for the Office's consideration of that petition, petitioner's unexplained two-month-and-ten-day delay in filing the petition weighs against them.

Petitioner simply fails to articulate how their failure to file a request for reconsideration of patent term adjustment within two months of the issue date of the patent was due to an extraordinary situation. Petitioner cannot rely on Wyeth's actions or the Wyeth decision to establish that their situation was extraordinary.

The contention that a decision is in error is a basis for a timely request for review of the decision but does not justify a delay in seeking review of such decision.

The Office provided notice that petitions under 37 CFR 1.182 and 1.183 or requests for certificate of corrections under 35 USC 354 and 37 CFR 1.323 or 35 U.S.C. 255 and 37 CFR 1.324 are not substitute *fora* to obtain reconsideration of a patent term adjustment determination indicated in a notice of allowance if applicant fails to submit a request for reconsideration within the time period specified in § 1.705(b) or to obtain reconsideration of a patent term adjustment determination indicated in a patent if a patentee fails to submit a request for reconsideration within the time period specified in § 1.705(d). See 69 Fed. Reg. 21704, 21707 (April, 22, 2004).

In view thereof, the petition under 37 CFR 1.183 for waiver of the two-month requirement of 37 CFR 1.705(d) is **dismissed**.

Accordingly, consideration now turns to the Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705(d).

ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," filed on December 22, 2008. Therein, patentee requests correction of the patent term adjustment (PTA) indicated in the patent to nine hundred eighty-nine (989) days.

On August 12, 2008, the above-identified application matured into U.S. Patent No. 7,412,105 with a revised patent term adjustment of 717 days. The instant request for reconsideration was filed more than two months after the issuance of the patent, on December 22, 2008.

No error in the printing of the patent has been shown. The patent term adjustment indicated on the patent reflects the Office's determination of patent term adjustment shown in the PAIR system for this application. 37 CFR 1.705(d) provides the sole avenue before the Office for requesting reconsideration of the Office's determination of patent term adjustment indicated in the patent. Moreover, § 1.705(d) states that "any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section." Since the request was not filed within two months of the issue date of the patent, the request is properly **dismissed as untimely filed.**

CONCLUSION

It is determined that waiver of the requirement pursuant to 37 CFR 1.183 is not warranted. Accordingly, the request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) filed more than two months after the issue date of the patent is dismissed as untimely filed.

Receipt of the fees required for the petition under 37 CFR 1.183 and the application for patent term adjustment is acknowledged.

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

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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MOUNTAIN VIEW, CA 94041-2007

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JUN 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Kuei-Ann Wen	:	
Application No. 10/678,375	:	DECISION ON PETITION
Filed: October 3, 2003	:	TO WITHDRAW
Attorney Docket No. N0113/PP/HH	:	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, 2007.

The request is **NOT APPROVED**.

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.

The request cannot be approved because the attorneys/agents were not appointed by Customer Number.

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

There is an outstanding Office action mailed December 11, 2006 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PITTSBURGH PA 15219

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MAR 2 3 2005

OFFICE OF PETITIONS

In re Application of :
GUPTA et al :
Application No. 10/678,386 : DECISION GRANTING PETITION
Filed: October 3, 2003 : UNDER 37 CFR 1.181 AND STATUS
Attorney Docket No. 3419-031890 : UNDER 37 CFR 1.47(A)

This is a decision on the petition filed (1) October 3, 2003, which is being treated as a request to accord this application status under 37 CFR 1.47(a) and accept the application in the absence of the signature of joint inventor Gupta, and on the petition filed June 3, 2004, under 37 CFR 1.181 requesting a corrected filing receipt accurately indicating the priority benefit as claimed in the first page of the specification.

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

The petition under 37 CFR 1.181 is **granted**.

WITH RESPECT TO THE PETITION UNDER 37 CFR 1.47(A).

Petitioner includes a copy of the declaration from grandparent application No. 840,572, which was accorded Rule 47 status and accepted in the absence of the signature of joint inventor Gupta. Petitioner unfortunately appears to have overlooked that he was also to have provided a copy of the favorable decision on petition, such that the declaration would be accepted herein as well. See 37 CFR 1.63(d)(3)(i). Nevertheless, to facilitate further handling, the undersigned has obtained a copy of the decision in that case, and which is being made of record herein.

Accordingly, this application is accorded Rule 47 Status, and as all processing required by the Office of Initial Patent Examination appears complete, this application is being brought to the attention of the Technology Center for examination in due course.

WITH RESPECT TO THE PETITION UNDER 37 CFR 1.181.

Petitioner asserts that as all necessary information was presented on filing in the first line of the specification, the filing receipt was issued in error where the benefit claim thereon lacked several of the recited applications. A comparison of the filing receipt with the contents of the first line of the specification confirms petitioner's assertions. Accordingly, the petition is

granted and a corrected filing receipt is enclosed with this decision. The inconvenience is regretted.

Telephone inquiries related to this decision should be addressed to the undersigned at (703) 305-1820.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LOUIS J. WILLE
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SEP 18 2007

OFFICE OF PETITIONS

In re Application of :
Katerina Leftheris, et. al. :
Application No. 10/678,388 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. QA0267B CIP :

This is a decision on the petition under 37 CFR 1.137(b), filed on July 12, 2006, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed October 17, 2005. A Notice of Abandonment was mailed on June 12, 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 acceptable amendment; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1624, 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

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

ANTHONY LUKE SIMON
General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Gary A. Watkins	: DECISION ON REQUEST FOR
Patent Number	: 7599843	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,393	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1765** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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Alexandria, VA 22313-1450
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

FEB 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Paul J. Hindrichs et al. :
Application No. 10/678,403 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. **STJUDE 3.0-009** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 28, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 29, 2009.

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

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

This application is being referred to Technology Center AU 3731 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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LONDA, BRUCE S.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

Mail Date: 04/26/2010

Applicant	: Thomas J. Karol	: DECISION ON REQUEST FOR
Patent Number	: 7598211	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/678,408	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2003	: 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
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JUL 17 2009

OFFICE OF PETITIONS

In re Patent No. 7,466,868 :
Gregg D. Wilensky :
Issue Date: 12/16/2008 :
Application No. 10/678423 :
Filing or 371(c) Date: 10/03/2003 :
Attorney Docket No. 07844-626001 :

DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed February 10, 2009. Patentees note that subsequent to the filing of a Request for Continued Examination ("RCE"), Patentee's filed an Information Disclosure Statement. Patentees provide that an Applicant delay of 42 days is appropriate. Patentees further argue that application is entitled to an additional adjustment of 387 days in accordance with the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008).

The application for patent term adjustment is granted to the extent indicated herein.

The above-identified application matured into U.S. Patent No. 7,466,868 on December 16, 2008. The patent issued with a patent term adjustment of 587 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment determination for the above-identified patent be changed from 587 days to 932 days.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 458 days and the period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), of 740 days overlap for a period of 71 days only.

The 458-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on October 3, 2003, and a request for continued examination (RCE) having been filed in this application on January 4, 2008, three years and 458 days later. Patentees assert that in

addition to this 458-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) totalling 740 days. This 740-day period is the result of a period of delay of 740 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1). Patentees provide that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 458 days and the period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), of 740 days overlap for a period of 71 days only; the period of overlap deemed by patentee to run from October 4, 2006 to December 13, 2006.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

Patentees correctly note that the Office failed to calculate the period of reduction of 42 days attributed to Applicant pursuant to 37 CFR 1.704(c)(8), for filing an IDS on February 15, 2008, after filing the RCE on January 4, 2008. Patentees do not dispute the periods of reduction of 31 days; 97 days and 25 days for applicant delay. Office records will be corrected to include the additional applicant delay pursuant to 37 CFR 1.704(c)(8).

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (458 days) and the period of Examination Delay (740 days) to the extent that these periods of delay are not overlapping. Patentees contend that the Three Year Delay period overlaps with the period of examination delay by 71 days only. Accordingly, patentees submit that the total period of adjustment for Office delay is 1127 days, which is the sum of the period of Three Year Delay (458 days) and the period of Examination Delay (740 days), reduced by the period of overlap (71 days). As such, patentees assert entitlement to a patent term adjustment of 932 days (458 days + 740 days reduced by 71 days overlap – 195 days (applicant delay)).

The Office agrees that as of the filing of the RCE on January 4, 2008, the application was pending three years and 458 days after its filing date. The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 740 days is correct. At issue is whether patentees should accrue 458 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 740 days for Office failure to take a certain action within a specified time frame (or examination delay), less overlap as calculated by Patentees.

The Office contends, however, that 458 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period

during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, October 3, 2003, as terminated by the filing of the RCE on January 4, 2008. Prior to the issuance of the patent, 740 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application. All of the 458 days for Office examination delay overlap with the 740 days of Office delay in issuing the patent. During that time, the issuance of the patent was delayed by 740 days, not 740 days + 458 days. The Office took 14 months and 740 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 740 days of Office delay, and the time

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

allowed within the time frames for processing and examination, as of the filing date of the RCE, the application was pending three years and 740 days. The Office did not delay 740 days and then an additional 458 days. Accordingly, 740 days of patent term adjustment was properly entered because the period of delay of 458 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 740 days attributable to grounds specified in § 1.702(a).

In view thereof, the patent is accorded an overall adjustment of 545 days (adjustment totalling 740 days less reductions totalling 195 days).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the Office error pursuant to 37 CFR 1.704(c)(8) as noted *supra* . The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred forty-five (545)** days.

Any request for reconsideration of this decision must be submitted within ONE MONTH of the mail date indicated herein. The time period for seeking reconsideration is not subject to extension under 37 CFR 1.136.

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

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,466,868 B2

DATED : December 16, 2008

INVENTOR(S) : Wilensky

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 (587) days.

Delete the phrase "by 587 days" and insert – by 545 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Richard L. Byrn
W bb Zi senh im Logsdon Orkin & Hans n P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

COPY MAILED

SEP 1 7 2002

OFFICE OF PETITIONS

In re Application of	:
Suresh C. Gupta et al	:
Application No. 09/840,572	: DECISION GRANTING
Filed: April 23, 2001	:STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No: 3419-010698	:
	:

This is in response to the petition under 37 CFR 1.47(a), filed July 23, 2001.

The petition is granted.

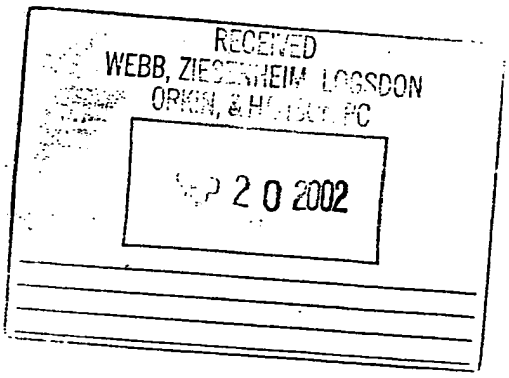
Petitioner has shown that the nonsigning inventor has refused to join in the filing of the above-identified application.

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 nonsigning 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 the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center AU 2834 for appropriate action on the reply received June 11, 2002.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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WASHINGTON, D.C. 20231
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Suresh C. Gupta
3351 Rossmor Way
Los Alamitos, CA 90720

COPY MAILED

SEP 1 7 2002

OFFICE OF PETITIONS

In re Application of
Suresch C. Gupta et al
Application No. 09/840,572
Filed: April 23, 2001
For: ELECTRICAL SYSTEM FOR TURBINE/ALTERNATOR ON COMMON SHAFT

Dear Mr. Gupta:

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 the undersigned at (703) 305-8680. 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
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Richard L. Byrne
Webb Ziesenheim Logsdon Orkin & Hanson P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

PATENT APPLICATION
Serial No. 09/840,572
Attorney Docket No. 3419-01069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
SURESH C. GUPTA et al.	:	**ELECTRICAL SYSTEM FOR TURBINE/ALTERNATOR ON COMMON SHAFT**
Serial No. 09/840,572	:	
Filed April 23, 2001	:	
Group Art Unit: 3746	:	
Examiner Not Yet Assigned	:	

Pittsburgh, Pennsylvania
July 23, 2001

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed for your review and filing are the following documents to complete the filing of the United States patent application, filed April 23, 2001, bearing serial no. 09/840,572, which application is a continuation of Application serial no. 09/319,390, filed July 19, 2000.

1. a Declaration and Power of Attorney signed by three (3) of the four (4) joint inventors on their own behalf and on behalf of the one omitted inventor who refused to sign;

2. a Petition to File Under 37 C.F.R. § 1.47(a);

3. a Declaration of Facts by Richard L. Byrne, Esquire, including copies of appendices;

4. the Part 2 of the Notice to File Missing Parts of Nonprovisional Application dated May 23, 2001;

5. a check in the amount of $130.00 to cover the surcharge for late filing of the formal documents for the above-referenced patent application; and

6. a check in the amount of $130.00 to cover the fee for the Petition to File Under 37 C.F.R. § 1.47(a).

The Commissioner for Patents is hereby authorized to charge any additional fees which may be required as set forth in 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Letter are attached.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By _____

Richard L. Byrne
Registration No. 28,498
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone No. 412-471-8815
Facsimile No. 412-471-4094

PATENT APPLICATION
Serial No. 09/840,572
Attorney Docket No. 3419-01069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
SURESH C. GUPTA et al.	:	**ELECTRICAL SYSTEM FOR TURBINE/ALTERNATOR ON COMMON SHAFT**
Serial No. 09/840,572	:	
Filed April 23, 2001	:	
Group Art Unit: 3746	:	
Examiner Not Yet Assigned	:	

Pittsburgh, Pennsylvania
July 23, 2001

PETITION TO FILE UNDER 37 C.F.R. § 1.47(a)

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby petition the Commissioner to accept this application for filing under 37 C.F.R. § 1.47(a). Submitted herewith is a Declaration and Power of Attorney signed by three (3) of the four (4) named joint inventors. This declaration has been signed on behalf of each joint inventor, as required by 37 C.F.R. § 1.63, and also on behalf of the non-signing joint inventor, as required by 37 C.F.R. § 1.64. The Declaration also includes the last known address of the non-signing joint inventor as required by 37 C.F.R. § 1.47(a). Suresh C. Gupta, Douglas R. Burnham, J. Michael Teets and Jon W. Teets are believed to be the original, first and joint inventors of the subject matter of the present application. Suresh C. Gupta is the joint inventor who refuses to execute the Declaration and Power of Attorney for this application. Mr. Gupta is a citizen of India and his last known address is 3351 Rossmore Way, Los Alamitos, California 90720.

Attached hereto in support of this Petition is a Declaration of Facts by Richard L. Byrne, Esq., who has first-hand knowledge of the facts recited in the Declaration. This application is a continuation of parent application serial no. 09/319,390, which was the United States National Phase of PCT/US97/22405, filed December 3, 1997. The inventor Suresh C. Gupta refused to sign the formal papers in the parent application. On June 19, 2001, Mr. Byrne sent a letter to Mr. Gupta, together with a Declaration and Power of Attorney and an Assignment, requesting his signature on these documents for the above-identified application. This letter was sent by Certified Mail and was received by Mr. Gupta. As of July 23, 2001, Mr. Byrne has received no response to this letter. The Declaration of Facts, together with the June 19, 2001 letter and the unsigned Declaration and Power of Attorney establish Mr. Gupta's refusal to sign the application appears in the present application.

The Petitioner respectfully requests this Petition be granted and the present application be filed under 37 C.F.R. § 1.47(a). This Petition requires a fee of $130.00 under 37 C.F. R. § 1.17(i) and a check in that amount is enclosed herewith.

The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650, or refund any overpayment to

the same deposit account of Webb Ziesenheim Logsdon Orkin & Hanson, P.C. An original and two copies of this Petition are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By _____

Richard L. Byrne
Registration No. 28,498
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone No. 412-471-8815
Facsimile No. 412-471-4094

PATENT APPLICATION/PCT
Serial No. 09/319,390
Attorney Docket No. 3419/990822

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

SURESH C. GUPTA, : ELECTRICAL SYSTEM FOR TURBINE/
DOUGLAS R. BURNHAM, ALTERNATOR ON COMMON SHAFT
J. MICHAEL TEETS :
and JON W. TEETS

International Application :
No. PCT/US97/22405

International Filing Date :
03 December 1997

Priority Date Claimed :
03 December 1996

Serial No. 09/319,390 :

Received 01 June 1999 :

Pittsburgh, Pennsylvania
January 3, 2000

DECLARATION OF FACTS IN SUPPORT
OF FILING ON BEHALF OMITTED INVENTOR

BOX PCT
Assistant Commissioner for Patents
Washington D.C. 20231

Attention: DO/EO/US

Sir:

I, Richard L. Byrne, declare that:

1. I am the attorney for the owner and assignee of the above-referenced application.

"EXPRESS MAIL" mailing label number EL426957130
Date of Deposit January 3, 2000
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Kimberly N. Weldav
(Type or print name of person mailing paper)

(Signature of person mailing paper)

APPENDIX "A"

2. On October 29, 1999, I sent a letter to Mr. Suresh C. Gupta, together with a Declaration and Power of Attorney, requesting his signature for this Declaration and Power of Attorney. A copy of this letter is attached hereto as Appendix A.

3. On December 7, 1999, I placed a call and left a message for Mr. Gupta, requesting that he sign the Declaration and Power of Attorney, which was sent to Mr. Gupta on October 29, 1999.

4. On December 8, 1999, Mr. Gupta called me and indicated that he would sign the Declaration and Power of Attorney. These were not returned after that telephone call.

5. On December 23, 1999, I sent a letter, via Federal Express, to Mr. Gupta, together with another copy of the Declaration and Power of Attorney and the Assignment document, requesting his signature for both of these documents. A copy of this letter is attached hereto as Appendix B, and a copy of the unsigned Assignment is attached hereto as Appendix C.

6. As of January 3, 2000, I have received no response and no signed paper from Mr. Gupta as requested in the December 23, 1999 letter and attachments.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date January 3, 2000 Richard L. Byrne

Richard L. Byrne

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219-1818
TELEPHONE 412-471-8815
FAX 412-471-4094
E-MAIL webblaw@webblaw.com

PATENT, TRADEMARK & COPYRIGHT LAW

WILLIAM H. LOGSDON
RUSSELL D. ORKIN
DAVID C. HANSON
FREDERICK B. ZIESENHEIM
RICHARD L. BYRNE
KENT E. BALDAUF
BARBARA E. JOHNSON
PAUL M. REZNICK
JOHN W. MCILVAINE III
BLYNN L. SHIDELER

WILLIAM H. WEBB (1929-1997)

JULIE W. MEDER
LESTER N. FORTNEY
RANDALL A. NOTZEN
JAMES G. PORCELLI
KENT E. BALDAUF, JR.
CHRISTIAN E. SCHUSTER
THOMAS J. CLINTON
DEAN E. GEIBEL
NATHAN J. PREPELKA
JESSICA M. SOSENKO
KIRK M. MILES
J. MATTHEW PRITCHARD IV

PATENT AGENT
GARY F. MATZ

June 19, 2001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Suresh C. Gupta
3351 Rossmore Way
Los Alamitos, CA 90720

Re: U.S. Continuation Application Serial No. 09/840,572 entitled "Electrical System for Turbine/Alternator on Common Shaft"
Our File 010698 Your Ref: ELL-427

Dear Mr. Gupta:

As you are aware, we have been prosecuting a United States application as well as corresponding foreign applications on the above-identified invention. We recently filed a continuation application in the United States and are once again faced with a requirement for submitting certain formal papers so that the application can proceed to examination on the merits. You have already been sent copies of the previously filed United States application, and the United States continuation application is merely a copy of the application already in your possession.

To that effect, I am enclosing originals of the following documents for you to sign and date:

1. "Declaration and Power of Attorney" for the United States continuation application; and

2. "Assignment" for the United States continuation application.

A self-addressed, stamped envelope is enclosed for your convenience in returning these signed documents to me.

APPENDIX "B"

If you have any questions, please contact me. Otherwise, I look forward to receiving the signed documents as soon as possible, as we are facing a mid-July 2001 filing deadline in the United States Patent and Trademark Office.

Very truly yours,

Richard L. Byrne

RLB/dp
Enclosures
bcc: William K. Cox, Esq. (w/o encl.)
Hideyuki Kuwajima (w/o encl.)

Z 562 160 037

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	$ .76
Certified Fee	1.90
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.50
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 4.16
Postmark or Date	3419 - 010698

PS Form 3800, April 1995

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Suresh C. Gupta
3351 Rossmore Way
Los Alamitos, CA 90720

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* B. Da

C. Signature

X

Agent
Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

LOS ALAMITOS JUL 3

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
Z 562 160 036

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

APPENDIX "C"

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/7/09

TO SPE OF : ART UNIT 2834 Leung Quyen (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/678424 Patent No.: 6956301

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: Changes are acceptable

/T.C. Patel/
SPE

2839
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

ROCHE MOLECULAR SYSTEMS INC.
PATENT LAW DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA CA 94501

COPY MAILED

AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Gregor Sagner et al	:	DECISION DISMISSING
Application No. 10/678,440	:	PETITION
Filed: October 1, 2003	:	
Attorney Docket No. 21428-US	:	

This is a decision on the petition under 37 CFR 1.182, filed on May 7, 2004, which is being treated as a request to withdraw the requirement for omitted Figures 3 and 4.

On October 1, 2003, the above-identified application was filed. However, on March 29, 2004, the Office of Initial Patent Examination mailed a "Notice of Missing Parts of Application," stating, inter alia, that the application had been accorded a filing date of October 1, 2003, and advising applicant that Figures 3 and 4 described in the specification appeared to have been omitted.

In response, on May 7, 2004, applicant filed the present petition and authorization to charge the $130.00 petition fee to deposit account no. 50-0812. Applicant explains that Figures 3 and 4 were not missing on filing the application. Applicant further explains that Figures 3 and 4 were a synopsis of Figures 3A-3D and Figures 4A-4B, which were fully supported in the specification.

It is obvious from the petition that no drawings were actually missing on filing the above-application. Rather, no Figures 3 or 4 were intended to be filed, but rather served as a description of Figures 3A-3D and Figures 4A-4B, respectively. However, because the specification referenced Figures 3 and 4, those Figures appeared to have been omitted. As explained in MPEP 601.01(g), as long as drawings for Figures 3A-3D and 4A-4B were present, the inclusion of text referring to Figures 3 and 4 should not have resulted in the mailing of the Notice of Omitted Items; as this was an error in the specification not the drawings.

Accordingly, the petition is dismissed as moot. No fee is due.

Applicant should submit a preliminary amendment to the specification deleting the references to Figures 3 and 4 in compliance with 37 CFR 1.121.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 1, 2003, using the drawings filed on that date.

Any inquiries related to this decision should be directed to Karen Creasy at (703) 305-8859.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Policy and Examination

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FRIEDRICH KUEFFNER
SUITE 910
317 MADISON AVENUE
NEW YORK, NY 10017

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JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Richard Pribyl :
Application No. 10/678,453 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. BP-60DIV :

This is a decision on the petition filed December 18, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed June 21, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 22, 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 issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ExxonMobil Research and Engineering Company
P. O. Box 900
Annandale NJ 08801-0900

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APR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Keeney et al. :
Application No. 10/678468 : DECISION
Filing or 371(c) Date: 10/03/2003 : ON PETITION
Attorney Docket Number NLF-0323 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2008, to revive the above-identified application. The delay in treating this petition is regretted.

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 June 18, 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 September 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 with the petition in accordance with 37 CFR 1.114.

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

JUL -2 2004

In re Application of	:	
Kelly W. Cunningham	:	
Serial No. 10/678,473	:	DECISION ON PETITION
Filed: October 3, 2003	:	TO MAKE SPECIAL
For: CONTAINER CLOSURE ASSEMBLY	:	

Applicant's petition, filed October 28, 2003, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Kelly W. Cunningham
12158 Lawler Street
Los Angeles, CA 90066

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Duane Morris LLP
101 W. Broadway, Suite 900
San Diego, California 92101

COPY MAILED

JUL 06 2007

OFFICE OF PETITIONS

In re Application of
Jones
Application No. 10/678,478
Filed: October 3, 2003
Atty. Docket E4337-00025

: DECISION DISMISSING PTA

This letter is in response to APPLICANT'S "REQUEST FOR PATENT TERM ADJUSTMENT timely[1] filed on Feb. 27, 2007 requesting that the Office adjust the PTA determination at the time of the notice of allowance from a determination of Zero (0) days to days to a determination of at least 330 days..

The request submitted by appellants is **Dismissed. Appellants have failed to comply with the requirements of 37 CFR 1.705(b) in filing this request.**

Applicant believes an adjustment of 330 days is due. Applicants provide absolutely nothing other than the USPTO erred in determining that the proper amount of PTA at the time of the mailing of the notice of allowance was fifty-three days.

The Office notes for the record that the PTA determination was fifty-three (53) days not zero(0) days as alleged by applicant. Moreover, the applicant should review the template provided in rule 37 CFR 1.705(b) when submitting a request for patent term adjustment. Applicant has failed to provide the Office with any statutory grounds under 35 U.S.C. 154(b) or regulatory grounds under 37 CFR 1.702-1.703 in which appellant should have been awarded any additional PTA at the time of the mailing of the notice of allowance.

The Office notes that this determination does not include any Office delays pursuant to 37 CFR 1.702(a)(4) or 1.702(b). Moreover, this determination does not include any reductions to patent term adjustment under 37 CFR 1.704(c)(10). These determinations will be included in the final PTA determination that is mailed to applicant in the Issue notification letter and displayed in PAIR.

The Office has assessed the $200.00 fee. No additional fees are required in determining this application for PTA.

This applications is being forwarded to the Office of Patent Publication for a prompt issuance of the patent.

Any questions related to this decision can be addressed to Kery Fries at 571-272-7757.

---

[1]Issue fee was paid on February 27, 2007

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: PTA determination

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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JAN 2 9 2004

OFFICE OF PETITIONS

In re Application of
Suresh C. Gupta et al.
Application No. 10/678,499
Filed: October 3, 2003
Atty Docket No. 3419-031893

ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed October 3, 2003.

The petition is **DISMISSED** as involving moot issues.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 09/840,572, filed on April 23, 2001. The instant application is a division of 10/446,386 which is a continuation of application 09/840,572. Furthermore, a copy of the decision, mailed September 17, 2002, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues. As no petition fee is necessary, no petition fee has been charged.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

After this decision is mailed, the application will be 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 (703)305-4497.

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
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WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED

MAR 23 2005

OFFICE OF PETITIONS

In re Application of
GUPTA et al
Application No. 10/678,499
Filed: October 3, 2003
Attorney Docket No. 3419-031893

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.181

This is a decision on the petition filed under 37 CFR 1.181 filed June 1, 2004 and resubmitted August 16, 2004, requesting a corrected filing receipt accurately indicating the priority benefit as claimed in the first page of the specification.

The petition under 37 CFR 1.181 is **granted**.

Petitioner asserts that as all necessary information was presented on filing in the first line of the specification, the filing receipt was issued in error where the benefit claim thereon lacked several of the recited applications. A comparison of the filing receipt with the contents of the first line of the specification confirms petitioner's assertions. Accordingly, the petition is **granted** and a corrected filing receipt is enclosed with this decision. The inconvenience is regretted.

Telephone inquiries related to this decision should be addressed to the undersigned at (703) 305-1820.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: 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

OCT 25 2006

OFFICE OF PETITIONS

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re
Melker, et al.
Application No. 10/678,506
Filed: October 2, 2003
Patent No. 7,052,854
Issued: May 30, 2006

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This decision is in response to the paper titled "COMMUNICATION", filed May 18, 2006, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. 154(b).

The request for correction of the patent term adjustment (PTA) is **GRANTED**.

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 **one hundred one (101)** days.

On May 30, 2006, the above-identified application matured into U.S. Patent No. 7,052,854. The patent issued with a Patent Term Adjustment of one hundred eighty-nine (189) days.

The Office determined a patent term adjustment of one hundred eight-nine (189) days based on an adjustment for PTO delay of one hundred eighty-eight (188) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1), and one (1) day pursuant to 35 U.S.C. 154(b)(1)(A)(iii=) and 37 C.F.R. §1.703(a)(2), reduced by zero (0) days of applicant delay.

As pointed out by patentees, a review of the application reveals that patentees should have been assessed additional applicant delay for filing a paper after the mailing of the Notice of Allowance. The Notice of Allowance was mailed on December 27, 2005. Applicants filed a petition to correct inventorship on January 5, 2006. The petition was granted in a decision mailed on April 3, 2006. Accordingly, pursuant to 37 C.F.R. §1.704(c)(10), applicant delay of eighty-eight (88) days should have been assessed.

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter 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 the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred one (101)** days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,052,854 B2

DATED : May 30, 2006

INVENTOR(S) : Melker, 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 (189) days

Delete the phrase "by 189 days" and insert – by 101 days—

Day : Tuesday
Date: 10/24/2006

PALM INTRANET

Time: 09:44:51

PTA Calculations for Application: 10/678506			
Application Filing Date:	10/02/2003	PTO Delay (PTO):	189
Issue Date of Patent:	05/30/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	101
PTO Delay Adjustment:	-88		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	10/24/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		88	
57	05/30/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
56	04/27/2006	DISPATCH TO FDC			
55	01/06/2006	RESPONSE TO REASONS FOR ALLOWANCE			
54	04/03/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
53	03/30/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
52	03/30/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
51	03/24/2006	ISSUE FEE PAYMENT VERIFIED			
50	03/24/2006	ISSUE FEE PAYMENT RECEIVED			
49	03/16/2006	FINISHED INITIAL DATA CAPTURE			
48	01/02/2006	EXPORT TO INITIAL DATA CAPTURE			
47	12/27/2005	MAIL NOTICE OF ALLOWANCE	1		41
46	12/08/2005	ISSUE REVISION COMPLETED			
45	12/08/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	11/16/2005	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
43	11/14/2005	NOTICE OF ALLOWABILITY			
42	08/30/2005	DATE FORWARDED TO EXAMINER			
41	08/26/2005	RESPONSE AFTER NON-FINAL ACTION			
40	06/23/2005	REFERENCE CAPTURE ON IDS			
39	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	06/08/2005	MAIL NON-FINAL REJECTION	188		-1

37	05/31/2005	NON-FINAL REJECTION			
36	04/11/2005	REFERENCE CAPTURE ON IDS			
35	04/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	03/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
33	10/15/2004	CORRESPONDENCE ADDRESS CHANGE			
32	08/09/2004	REFERENCE CAPTURE ON IDS			
31	08/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	05/27/2004	REFERENCE CAPTURE ON IDS			
29	05/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/02/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
27	06/04/2004	RECEIPT OF ACKNOWLEDGMENT LETTER			
26	05/03/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
25	05/03/2004	CASE DOCKETED TO EXAMINER IN GAU			
24	12/05/2003	PRELIMINARY AMENDMENT			
23	04/29/2004	TRANSFER INQUIRY TO GAU			
22	03/16/2004	APPLICATION RETURN FROM OIPE			
21	03/17/2004	APPLICATION IS NOW COMPLETE			
20	03/16/2004	APPLICATION RETURN TO OIPE			
19	03/15/2004	APPLICATION RETURN FROM OIPE			
18	03/15/2004	APPLICATION RETURN TO OIPE			
17	03/15/2004	APPLICATION DISPATCHED FROM OIPE			
16	03/15/2004	APPLICATION IS NOW COMPLETE			
15	02/26/2004	ADDITIONAL APPLICATION FILING FEES			
14	02/26/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
13	02/10/2004	RECEIPT OF ACKNOWLEDGMENT LETTER			
12	01/23/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
11	12/30/2003	AGENCY REFERRAL LETTER MAILED			
10	12/30/2003	AGENCY REFERRAL LETTER MAILED			
9	12/30/2003	AGENCY REFERRAL LETTER MAILED			
8	12/29/2003	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			

7	12/29/2003	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
6	12/29/2003	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
5	12/24/2003	AUTO REFERRED BY PALM PRE EXAM			
4	12/16/2003	CASE CLASSIFIED BY L&R			
3	12/16/2003	CLEARED BY OIPE CSR			
2	10/31/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/02/2003	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,523	10/03/2003	Sorel Horovitz	MP0267	1345

44990 7590 05/13/2009
KENYON & KENYON LLP
333 W. SAN CARLOS STREET
SUITE 600
SAN JOSE, CA 95110-2731

EXAMINER	
DO, CHAT C	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
05/13/2009	PAPER

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

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

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Frank L. Bernstein
KENYON & KENYON LLP
333 West San Carlos Street
Suite 600
San Jose, CA 95110

In re Application of:
Sorel HOROVITZ
Application No. 10/678,523
Filed: October 3, 2003
For: METHOD AND APPARATUS FOR FINDING THE NEXT FREE BIT IN A REGISTER

DECISION GRANTING PETITION TO RESET PERIOD FOR REPLY

This is a decision on the petition, filed on 26 November 2008, requesting that the shortened statutory period for reply set forth in the Office communication mailed on 14 April 2008 be restarted.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

> 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.

In support of the petition, the petitioner stated that the Office communication mailed 14 April 2008 was never received by applicants and stated applicant's representative only discovered the Office communication from checking the status of the application in PAIR on 02 September 2008. Further, the petitioner provides a statement attesting to the fact that a search of the file jacket and docket record indicated that the Office communication was not received. The petitioner supplied copies of the monthly docket printouts for the dates surrounding July 14, August 14 and September 14 and copies of the two Patent Jacket Data Sheets for the application showing that the Office communication was never received by applicant's representative. The docket printouts show no entry reflecting receipt of the Office communication on or about 14 April 2008.

For the above-stated reasons, the petition is **GRANTED**. Accordingly, the shortened statutory period that was originally set forth in the Office communication mailed on 14 April 2008 is hereby reset to run FROM THE DATE OF 02 September 2008 (the date which the petitioner checked the status of the application in PAIR became aware of the Office Action of 14 April 2008).

Since the shortened statutory period has been reset to run from 02 September 2008, the fee ($1100.00) for three-month extension of time is not required. The amount of $1100.00 will be credited to Deposit Account No. 11-0600.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

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KENYON & KENYON LLP
333 W. SAN CARLOS STREET
SUITE 600
SAN JOSE, CA 95110-2731

Mail Date: 04/21/2010

Applicant	: Sorel Horovitz	: DECISION ON REQUEST FOR
Patent Number	: 7593976	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,523	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1593** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WALTER C. GROLLITSCH
3040 POST OAK BLVD
SUITE 1500
HOUSTON, TX 77056

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NOV 0 4 2005

OFFICE OF PETITIONS

In re Application of
DELA ROSA et al.
Application No. 10/678,526
Filed: October 3, 2003
Attorney Docket No. AVAN/001105

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed March 23, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 24, 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 fee and the publication fee; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee payment and the publication fee payment are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is referred to the Office of Patent Publication.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 8, 2009

TO SPE OF : ART UNIT 2829
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/678549 /6980012

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

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 120

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: _____

_____

_____

_____

_____

Ha Nguyen
SPE

6/03/10
Art Unit

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Paper No.

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

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OFFICE OF PETITIONS

In re Application of	:	
Wayne Devine	:	
Application No. 10/678,550	:	DECISION DISMISSING
Filed: October 2, 2003	:	PETITION
Attorney Docket No. BSW 2460C1	:	

This is in response to the PETITION UNDER 37 CFR 1.53 filed October 12, 2004. Petitioner requests a filing date of October 2, 2003, with figs. 7 and 8 as part of the original application disclosure.

Application papers in the above-identified nonprovisional application were filed on October 2, 2003. However, on September 10, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) In A Nonprovisional Application," stating that the application had been accorded a filing date; however, Figures 7 and 8 described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicant filed the instant petition, disputing omission of the figures on filing. Petitioner contends that FIGS. 7 and 8 were in fact deposited in the Patent and Trademark Office with the nonprovisional application papers as sheet 6 of 8 drawing sheets and that sheet 6 of the drawings has been misplaced in the Patent and Trademark Office. In support thereof, petitioner submitted a declaration of facts of Penelope Stockwell. The petition includes a copy of drawing sheet 6, containing figures 7 and 8, as petitioner maintains the drawing was submitted on original filing.

Petitioner's evidence has been considered, but is not found persuasive that eight (8) sheets of drawings were filed on October 2, 2003. The PTO file is the official record of the papers originally filed in this application. A review of the official file reveals that figures 7 and 8 were not filed on October 2, 2003, since no such drawing figures are present in the file. 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.

contains the declarant's recall of routine events which occurred 1 year earlier and are not more persuasive than the record of what was filed as shown by the official file.

Furthermore, it is acknowledged that an error occurred, in that, two sheets of an IDS from another application were present in this application. However, the showing of one error does not establish another unrelated error, misplacing drawing sheet 6.

The best evidence of what was filed on October 2, 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. The declaration of Penelope Stockwell 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.

In view thereof, the petition is **DISMISSED**.

The application will maintain a filing date of October 2, 2003, using the application papers filed on that date. The records of the Office, as appropriate, will indicate that 7 sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

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OFFICE OF PETITIONS

In re Application of :
Wayne Devine :
Application No. 10/678,550 :
Filed: October 2, 2003 :
Attorney Docket No. BSW 2460C1 :

CORRECTED
DECISION DISMISSING
PETITION

This is in response to the PETITION UNDER 37 CFR 1.53 filed October 12, 2004. Petitioner requests a filing date of October 2, 2003, with figs. 7 and 8 as part of the original application disclosure.

This decision corrects the decision mailed January 18, 2005. Due to an error in printing, the previous decision was mailed with some text missing.

Application papers in the above-identified nonprovisional application were filed on October 2, 2003. However, on September 10, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) In A Nonprovisional Application," stating that the application had been accorded a filing date; however, Figures 7 and 8 described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicant filed the instant petition, disputing omission of the figures on filing. Petitioner contends that FIGS. 7 and 8 were in fact deposited in the Patent and Trademark Office with the nonprovisional application papers as sheet 6 of 8 drawing sheets and that sheet 6 of the drawings has been misplaced in the Patent and Trademark Office. In support thereof, petitioner submitted a declaration of facts of Penelope Stockwell. The petition includes a copy of drawing sheet 6, containing figures 7 and 8, as petitioner maintains the drawing was submitted on original filing.

Petitioner's evidence has been considered, but is not found persuasive that eight (8) sheets of drawings were filed on October 2, 2003. The PTO file is the official record of the papers originally filed in this application. A review of the official file reveals that figures 7 and 8 were not filed on October 2, 2003, since no such drawing figures are present in the file. 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.

Petitioner has not met that burden. The declaration relied on contains the declarant's recall of routine events which occurred 1 year earlier and are not more persuasive than the record of what was filed as shown by the official file.

Furthermore, it is acknowledged that an error occurred, in that, two sheets of an IDS from another application were present in this application. However, the showing of one error does not establish another unrelated error, misplacing drawing sheet 6.

The best evidence of what was filed on October 2, 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. The declaration of Penelope Stockwell 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.

In view thereof, the petition is **DISMISSED**.

The application will maintain a filing date of October 2, 2003, using the application papers filed on that date. The records of the Office, as appropriate, will indicate that 7 sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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BAKER & MCKENZIE LLP
1114 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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OFFICE OF PETITIONS

In re Application of :
Binith Ratilal Shah et al :
Application No. 10/678,556 : DECISION ON PETITION
Filed: October 3, 2003 : TO WITHDRAW
Attorney Docket No. 56169539-6 : 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 26, 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 there remain 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 August 9, 2005.

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.

Amelia Au
Petitions Examiner
Office of Petitions

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MAR 29 2006

OFFICE OF PETITIONS

In re Application of
SHAH et al
Application No. 10/678,556
Filed: October 3, 2003
Attorney Docket No. 56169539-6

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the petition filed February 9, 2006 under 37 CFR 1.183 which is being treated as a Request for Reconsideration of the Request to Withdraw as Attorney or Agent of record under 37 C.F.R. § 1.36(b) filed on August 26, 2005.

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 James David Jacobs on behalf of all the attorneys of record.

All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed as instructed on the Request for Withdrawal, and the new correspondence address is the address indicated below (cc^1).

It is noted that the new correspondence address given for BINITH RATILAL SHAH differs from the address shown in the Oath. A courtesy copy of this decision is being mailed to the U.S. address (cc^2) of BINITH RATILAL SHAH, the first named inventor.

Unless otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record (24 OLD BOND St. 3rd Floor, London, England) unless a new change of address is filed in this case in accordance with MPEP 601.03.

The petition fee of $400 is being refunded to petitioner's deposit account as being unnecessary.

Telephone inquiries concerning this decision should be directed to Amelia Au at 571-272-7414.

Amelia Au
Petitions Examiner
Office of Petitions

cc[1]: BINITH RATILAL SHAH
24 OLD BOND STREET, 3RD FLOOR
LONDON, ENGLAND WIS 4AP

cc[2]: BINITH RATILAL SHAH
9033 NE 22nd Place
Clyde Hill, WA 98004

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In re Patent No. 6980110
Issue Date: December 27,2005
Application No. 10678574
Filed: October 3,2003
Attorney Docket No. 239.10

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 3,2010 ,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 March 3,2010 . 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)
6980110	2005-12-27	10678574	2003-10-03	293.010

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	/WBUSKOP/	Date (YYYY-MM-DD)	2010-03-03
Name	Wendy Buskop	Registration Number	32202

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

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

03/01/04

Philip R. Poh
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020-1104

Dear Applicant:

The Box PGPub replacement drawings for application number 10/678582 received on 12/02/03 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
DIW Nov-08

ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

COPY MAILED

NOV 20 2008

In re Application of	:	
Bandini et al.	:	
Application Number: 10/678583	:	ON PETITION
Filing Date: 10/02/2003	:	
Attorney Docket Number: 127-0008-4	:	

This is a decision on the petition to withdraw the holding of abandonment filed on October 24, 2008.

This application was held abandoned for failure to timely respond to the final Office action mailed on April 2, 2008, which set a three (3)-month shortened period for reply. Notice of Abandonment was mailed on October 30, 2008. On October 24, 2008, the subject petition was filed.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the final Office action mailed on April 2, 2008. In support of the allegation that the Notice to final Office action mailed on April 2, 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 David W. O'Brien, stating that a search of the file jacket and docket records indicates that the Office communication was not received. The docket report and mail log are referenced in counsel's statement.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on April 2, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the final Office action mailed on April 2, 2008, was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action mailed on April 2, 2008 was 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.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to the Technology Center technical support staff for remailing of the final Office action mailed on April 2, 2008. The period for reply will be reset from the mailing date thereof.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 10, 2006

TO SPE OF : ART UNIT 2811

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/678,586 Patent No.: 6,873,016

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: _____

EDDIE LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

SPE **Art Unit** 2811

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ALEXANDRIA, VA 22313-1450
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MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS, MO 63167

COPY MAILED
OCT 2 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Jingrui Wu, et. al.	:	
Application No. 10/678,588	:	DECISION ON PETITION
Filed: October 2, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 38-21(52578)C	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed by facsimile transmission on April 28, 2006, 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 with the 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, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the prior-filed application on page one following the first sentence of the specification 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

application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are 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

In the meantime, this application file is being referred to Technology Center Art Unit 1638, for consideration of the Request under 37 CFR 1.48 filed on April 28, 2006.

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

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
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MONSANTO COMPANY (A&P)
800 N. LINDBERGH BOULEVARD
MAILZONE E2NA
ST. LOUIS, MO 63167

COPY MAILED

FEB 29 2008

OFFICE OF PETITIONS

In re Application of :
Jingrui Wu, et. al. :
Application No. 10/678,588 : DECISION ON PETITION
Filed: October 2, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 38-15(52578)C :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed on April 28, 2006.

The petition is **GRANTED**.

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

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

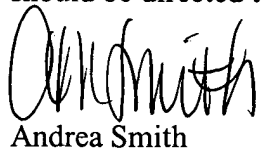
Since it is clear that petitioner did not intend to incorporate by reference Application No. 09/865,439, all of the above requirements are satisfied and the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application 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 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 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 nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1638, for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/678,588	10/02/2003	1638	1072	38-15(52578)C	13	5

CONFIRMATION NO. 7647

66057
MONSANTO COMPANY (A&P)
800 N. LINDBERGH BOULEVARD
MAILZONE E2NA
ST. LOUIS, MO 63167

CORRECTED FILING RECEIPT

OC00000028567230

Date Mailed: 02/29/2008

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)

Jingrui Wu, Chesterfield, MO;
Garrett J. Lee, St. Louis, MO;
Thomas R. Adams, North Stonington, CT;
Zhidong Xie, Maryland Heights, MO;
Stanton B. Dotson, Chesterfield, MO;
Donald E. Nelson, Stonington, CT;

Power of Attorney:

Gary Bond--29283
Michael Roth--29342
Thomas Kelley--29938
Joseph Schaper--30493
Lawrence Lavin--30768
Dennis Hoerner Jr--30914
Thomas McBride--32706
Grace Bonner--32963
Donna Scherer--34719
Timothy Ball--42287

Domestic Priority data as claimed by applicant

This application is a CIP of 08/865,439 05/29/1997 PAT 5,943,473
and claims benefit of 60/415,758 10/02/2002
and claims benefit of 60/425,157 11/08/2002
and claims benefit of 60/463,787 04/18/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/678,588**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Yield-improved transgenic plants

Preliminary Class

800

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/678,591	10/02/2003	2121	1044	915-005.071	3	28	3

CONFIRMATION NO. 6157

CORRECTED FILING RECEIPT

OC000000013034384

004955
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

Date Mailed: 06/22/2004

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)

Joonas Paalasmaa, Jarvenpaa, FINLAND;
Jukka-Pekka Salmenkaita, Espoo, FINLAND;
Antti Sorvari, Itasalmi, FINLAND;
Tapio Tallgren, Vantaa, FINLAND;

Assignment For Published Patent Application

Nokia Corporation;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/23/2003

Projected Publication Date: 04/07/2005

Non-Publication Request: No

Early Publication Request: No

Title

Method for clustering and querying media items

Preliminary Class

700

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).

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ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

COPY MAILED

JUN 27 2007

OFFICE OF PETITIONS

In re Application of :
Loughmiller, et al. :
Application No. 10/678,602 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 127-0016 :
For: DYNAMIC MESSAGE FILTERING

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2007 (certificate of mailing date May 31, 2007), to revive the above-identified application.

This application became abandoned for failure to timely submit a reply to the February 23, 2007 Notice to File Corrected Application Papers Notice of Allowance Mailed, which set a non-extendable 60 period for reply. No reply being received, the application became abandoned on April 25, 2007. A Notice of Abandonment was mailed on May 22, 2007.

Applicants have submitted a proper reply in the form of a corrected drawing, an acceptable statement of the unintentional nature of the delay in responding to the February 23, 2007 Notice, and the $1,500.00 petition fee.[1]

The petition is **granted**.

The revocation/power of attorney/change of correspondence address filed with the present petition has been entered and made of record. Please find enclosed Notices reflecting the desired changes.

[1] The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

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) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Notices regarding changes in power of attorney/correspondence address

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Kenneth Rothmuller	: DECISION ON REQUEST FOR
Patent Number	: 7636733	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,606	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **564** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO CA 94306

COPY MAILED

OCT 13 2004

OFFICE OF PETITIONS

In re Application of	:	
Hayes-Roth, Frederick	:	DECISION GRANTING PETITION
Application No.10/678,607	:	
Filed: October 3, 2003	:	
Attorney Docket Number: FHR-102	:	
Title of Invention: OPEN COMMUNITY MODEL FOR EXCHANGING INFORMATION IN DYNAMIC ENVIRONMENTS	:	

This is a decision on the petition under 37 CFR 1.10 (c) filed on September 7, 2004, requesting that the above-identified application be accorded a filing date of October 3, 2003, rather than the presently accorded filing date of October 6, 2003.

Petitioner contends the application was deposited in Express Mail service on October 3, 2003. In support, petitioner supplied a copy of Express Mail receipt No. ER512364267US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) showing a United States Postal Service official postmark dated October 3, 2003.

In view of the above, the petition is **Granted**. No petition fee is required and none has been charged.

The application is being forwarded to Office of Initial Patent Examination for correction of the filing date to **OCTOBER 3, 2003** and issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272 -3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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QUINE INTELLECTUAL PROPERTY LAW GROUP
P.O. BOX 458
ALAMEDA, CA 94501

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MAY 07 2004

OFFICE OF PETITIONS

In re Application of :
Fred Cohen et al :
Application No. 10/678,609 : DECISION GRANTING STATUS
Filed: October 3, 2003 : UNDER 37 CFR 1.47(A)
For: METHOD AND APPARATUS PROVIDING :
DECEPTION AND/OR ALTERED EXECUTION :
OF LOGIC IN AN INFORMATION SYSTEM

This is in response to the petition under 37 CFR 1.47(a), filed March 29, 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 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 file is being referred to the Office of Initial Patent Examination for preexamination processing.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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FRED COHEN
572 LEONA DRIVE
LIVERMORE, CA 94550

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MAY 07 2004

OFFICE OF PETITIONS

In re Application of
Cohen; Rogers; and Neagoe
Application No. 10/678,609
Filed: October 3, 2003
For: METHOD AND APPARATUS PROVIDING DECEPTION AND/OR ALTERED EXECUTION OF LOGIC IN AN INFORMATION SYSTEM

Dear Mr. Cohen:

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
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
QUINE INTELLECTUAL PROPERTY LAW GROUP
P O BOX 458
ALAMEDA, CA 94501

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

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JAN 25 2006

OFFICE OF PETITIONS

Applicant: Vidal et al.
Appl. No.: 10/678,649
Filing Date: October 6, 2003
Title: NOVEL 6-ALKOXY-2, 3-DIAMINOPYRIDINE COUPLERS IN WHICH THE AMINO RADICAL IN POSITION 2 IS A DISUBSTITUTED AMINO RADICAL, AND USE OF THESE COUPLERS FOR DYEING KERATIN FIBRES
Attorney Docket No.: 05725.1252-00
Pub. No.: US 2005/008647 A1
Pub. Date: April 28, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on June 28, 2005, for the above-identified application.

The request is granted.

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

The amendment received by the Office on January 4, 2004 with the incorrect application number, which was scanned into this application and published has been relabeled as a miscellaneous incoming letter.

It would greatly benefit the Office if applicant did not provide a copy of the preliminary amendment previously filed with the request for a corrected publication, as the Office already has a copy in the application file and it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b).

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

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

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Freeman, et al.	:	
Application No. 10/678,651	:	ON PETITION
Filed: October 6, 2003	:	
Attorney Docket No. 8118.004.USDV	:	

This is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed April 19, 2010.

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

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

The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed July 5, 2007, which set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on October 6, 2007. The Office mailed a Notice of Abandonment on February 5, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks requirement (3) above. As the instant application has been abandoned for an extended period of time, on renewed petition petitioner must account for the delay in filing the petition to revive.

The Power of Attorney filed on April 21, 2010 has been entered.

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

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

By FAX: (571)273-8300
Attn: Office of Petitions

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Commissioner for Patents
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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2211

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of :
Roberts :
Application No. 10/678,702 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. G0083.70038US00 :
For: AUTOMATIC DATA CAPTURE TECHNOLOGY TO ENHANCE DATA COLLECTION

This is a decision on the petition under 37 CFR 1.137(b), filed on September 2, 2005 (certificate of mailing date August 31, 2005) to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the February 1, 2005 non-final Office action which set an extendable three (3) month period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on May 2, 2005. A Notice of Abandonment was mailed on August 18, 2005.

Applicant has submitted an amendment in reply to the February 1, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the February 1, 2005 non-final Office action, and the petition fee.

The petition is **GRANTED**.

Regarding finances, 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 $1,020.00 extension of time fee submitted with the petition on September 2, 2005 (certificate of mailing date August 31, 2005) was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

After the mailing of this decision the application will be forwarded to Technology Center 3600's technical support staff for processing the amendment filed on September 2, 2005 (certificate of mailing date August 31, 2005).

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Marban, et al. : DECISION ON PETITION
Application No. 10/678,723 :
For: October 2, 2003 :
Atty. Dkt. No.: 001107.00459 :
For: FOCAL CALCIUM CHANNEL :
MODULATION :

This is a decision on the petition under 37 CFR 1.181, August 29, 2007, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 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 1.181." This is not a final agency decision.

This application became abandoned February 17, 2007 for failure to timely reply to the non-final Office action mailed November 16, 2006. The non-final Office action set a three (3) month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed July 3, 2007.

Petitioners allege that the non-final Office action was not received because the USPTO mailed the non-final Office action to the incorrect correspondence address.

The correspondence address for the instant application at the time of filing: Robert L. Buchanan, Edwards & Angell, LLP, P. O. Box 9169, Boston, MA 02209.

The restriction requirement mailed June 2, 2006 was mailed to this correspondence address.

A reply to the restriction requirement along with petition for extension of time was received August 24, 2006 and was submitted by Banner & Witcoff, Ltd. The restriction requirement was returned to the USPTO as undeliverable on September 25, 2006.

A power of attorney/change of correspondence address was received August 28, 2006 requesting, inter alia, that the correspondence address be changed to BANNER & WITCOFF, LTD., 1100 13th STREET, N.W., SUITE 1200, WASHINGTON DC 20005-4051.

The request was not accepted, as indicated in the Notice mailed September 14, 2006, as the request was not accompanied by a statement under 37 CFR 3.73(b). The Notice was mailed to the correspondence address of record, Robert L. Buchanan, Edwards & Angell, LLP, P. O. Box 9169, Boston, MA 02209. The Notice was returned to the Office as undeliverable on September 25, 2006.

A non-final Office action was mailed on November 16, 2006 to the correspondence address of record, Robert L. Buchanan, Edwards & Angell, LLP, P. O. Box 9169, Boston, MA 02209. The non-final Office action was returned to the USPTO as undeliverable on December 4, 2006.

No reply to the non-final Office was received. Accordingly, the application became abandoned February 17, 2007.

A power of attorney/change of correspondence address to BANNER & WITCOFF, LTD., 1100 13th STREET, N.W., SUITE 1200, WASHINGTON DC 20005-4051 was filed June 13, 2007 and entered June 26, 2007.

Notice of Abandonment was mailed July 3, 2007 to Banner & Witcoff, Ltd.

On February 26, 2007, petitioners became aware that a non-final Office action was issued. Petitioners allege that petitioners relied upon verbal communications wherein the examiner of record is alleged to have advised petitioners that the non-final Office action would be re-mailed.

Petitioners are advised that the Notice mailed September 14, 2006 concerning the non-acceptance of the power of attorney/change of correspondence address was properly mailed to Edwards & Angell, LLP. The Notice could not be mailed to Banner & Witcoff, Ltd. as the power of attorney/change of correspondence address submitted by Banner & Witcoff, Ltd.

failed to comply with 37 CFR 3.73(b). Thus, the change of correspondence/power of attorney was not entered into the record. The USPTO does not engage in dual correspondence. The USPTO cannot enter an improper power of attorney/change of correspondence address request. The Notice mailed September 14, 2006 was not mailed to Banner & Witcoff, Ltd. and was instead mailed to the then correspondence address of record.

Further, on February 26, 2007, petitioners became aware that a non-final Office action had been mailed on November 16, 2006. Thus, as of February 26, 2007, petitioners could have timely replied to the non-final Office action by petitioning for an extension of time. Moreover, petitioners knew that failure to timely submit a proper reply would result in abandonment of the application.

As to petitioners' reliance upon verbal communications, petitioners are advised that reliance upon verbal communications from USPTO employees will not serve to prevent an abandonment of an application for failure to timely respond to a properly mailed Office communication.

The non-final Office action was properly mailed at Edwards & Angell, LLP. Banner & Witcoff, Ltd. presumably did not receive the non-final Office action mailed September 14, 2006 because Banner & Witcoff, Ltd. did not properly advise the USPTO of applicants' change of correspondence address/power of attorney request. Petitioners' improper application of the change of correspondence address/power of attorney rules and procedures does not warrant withdrawal of the holding of abandonment.

Moreover, the procedure for requesting that the period of time for reply to an outstanding Office communication be reset is as set forth at MPEP 710.06. The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met: (A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address; (B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3-month reply period had elapsed); and (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address

stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

Petitioners elected to rely upon oral advice allegedly given by the examiner of record rather than follow the procedures set forth for the situation at hand.

Failure to follow the procedures for (a) proper submission of a change of correspondence address/power of attorney and (b) request that the period of time for an Office communication be reset is not grounds for seeking withdrawal of the holding of abandonment.

In view thereof, the instant petition is submit to dismissal.

ALTERNATE VENUE

Petitioners are strongly urged to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Window Mail Stop Petition Randolph Building 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

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

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Marban, et al. :
Application No. 10/678,723 : DECISION ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 001107.00459 :

This is a decision on the petition renewed under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned February 17, 2007 for failure to reply in a timely manner to the non-final Office action mailed, November 16, 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. Notice of Abandonment was mailed July 3, 2007.

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

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

This application is being referred to Technology Center AU 1632 for further processing.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

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APR 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Anthony Fuller :
Application No. 10/678,724 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 5658/903 :

This is a decision on the paper titled "PETITION", filed November 3, 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 October 3, 2003, with Figure 5 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on October 3, 2003. However, on October 4, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of NonProvisional Application." Applicant was notified that the application papers had been accorded a filing date of October 3, 2003; however, the statutory basic filing fee and the oath or declaration were missing. In addition, applicant was notified that replacement drawings were required. Lastly, applicant was notified that Figure 5 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was 7 pages of replacement drawings, including Figure 5. Applicant maintains that the application as originally filed included Figure 5. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Seven 7 sheets of drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of October 3, 2003, and lacking any notation of non-receipt of any item listed.

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.

Given the basis for granting the petition, the $130 petition fee has been refunded to Deposit Account No. 13-4365.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 3, 2003, using the application papers received in the Office on that date and the 7 sheets of replacement drawings filed November 3, 2004, and for indication in Office records that 7 sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

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APR 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Storck, Dale Herman :
Application No. 10/678,735 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 1388-026 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 23, 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 response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 1600 for further examination on in the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAY 08 2007

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of	:
Dale H. Storck	:
Serial No.: 10/678,735	: PETITION DECISION
Filed: October 3, 2003	:
Attorney Docket No.: 1388-026	:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 23, 2007, to expunge information from the above identified application. This application has now been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on January 23, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist/Program Examiner
Technology Center 1600

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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JUL 27 2007

OFFICE OF PETITIONS

In re Patent No. 7,226,451 :
Issued: June 5, 2007 :
Application No. 10/678,744 : DECISION DISMISSING PETITION
Filed: October 2, 2003 : UNDER 37 CFR 3.81(b)
Attorney Docket No. ENDIUS.013A :

This is a decision on the petition, filed March 8, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **dismissed**.

Petitioner states that the assignee's name of Endius, Inc., was inadvertently leff off the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to Endius, Inc.

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 instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

---

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

A review of Office database assignment records reflects that an assignment to Endius, Inc., 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 Endius, Inc., was the assignee of record at the time of issuance of the instant application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above, **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Endius, Inc., as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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

MAIL

OCT 15 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
NISHINO, YOICHI
Application No. 10/678,747
Filed: October 06, 2003
For: **DATA PROCESSING APPARATUS AND ASSOCIATED METHOD OF IDENTIFYING AN IMAGE DATA SOURCE BY DETECTING VARIATIONS IN STRENGHT OF DIFFERENT LIGHT RECEIVING ELEMENTS**

Decision on Petition

This is a decision on the petition filed July 14, 2008, pursuant to 37 C.F.R. §1.181.

The July 14, 2008 petition requests that the requirement under 37 CFR § 1.105, specifically items 1-6, be withdrawn as improper.

The petition is **DISMISSED AS MOOT**.

PERTINENT BACKGROUND

This application was filed October 06, 2003

A final Office action was issued May 14, 2008 which included a requirement under 37 CFR 1.105 for applicant and assignee to provide information that the examiner has determined is reasonably necessary to the examination of this application.

On July 14, 2008, applicant filed an after final response, along with a response to requirement for information under 37 CFR 1.105 and the above noted petition.

Petitioner seeks relief by filing a petition July 14, 2008 under 37 CFR 1.181 requesting that the requirement under 37 CFR § 1.105, specifically items 1-6, be withdrawn as improper.

Petitioner alleges:

> " that a proper request under 37 CFR § 1.105 is a request for factual information, which is reasonably necessary to properly examine or treat a matter in a pending or abandoned application. A requirement for information under 37 CFR § 1.105 places a substantial burden on the Applicant."
>
> *"The present request for information is not reasonable as it does not satisfy the above-noted criteria. There has been no demonstration that the claimed subject matter cannot be adequately searched. On the contrary, the Examiner has provided several 892 forms which include prior art found by the Examiner. Furthermore, in the Examiner's view, the file*

wrapper does not lack adequate prior art as the Examiner continues to reject the claims with the art of record (some of which have been supplied by Applicant). Moreover, the Office has not informed Applicant that the invention is in an area of technology without a classification, nor has the Office indicated that there is a lack of relevant prior art.

Furthermore, a requirement for information is not proper when no further action would be taken by the Examiner.[2] Since the Examiner has already rejected the pending claims and the outstanding rejection is final, there is no further action for the Examiner to take.

The Examiner has been able to reasonably examine the application and the present requests are not reasonably necessary to further examine the application.

Furthermore, the broad language in items 5 and 6, such as "every" makes items 5 and 6 particularly burdensome, and are not reasonably necessary to examine the present application."

REGULATIONS AND PRACTICE

37 CFR 1.105 states:

§ 1.105 Requirements for information.
(a)
(1) In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, for example:
(i) Commercial databases : The existence of any particularly relevant commercial database known to any of the inventors that could be searched for a particular aspect of the invention.
(ii) Search : Whether a search of the prior art was made, and if so, what was searched.
(iii) Related information : A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.
(iv) Information used to draft application : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.
(v) Information used in invention process : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used in the invention process, such as by designing around or providing a solution to accomplish an invention result.
(vi) Improvements : Where the claimed invention is an improvement, identification of what is being improved.
(vii) In Use : Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.
(viii) Technical information known to applicant. Technical information known to applicant concerning the related art, the disclosure, the claimed subject matter, other factual information pertinent to patentability, or concerning the accuracy of the examiner's stated interpretation of such items.
(2) Where an assignee has asserted its right to prosecute pursuant to § 3.71(a) of this chapter, matters such as paragraphs (a)(1)(i), (iii), and (vii) of this section may also be applied to such assignee.

(3) Requirements for factual information known to applicant may be presented in any appropriate manner, for example:

(i) A requirement for factual information;
(ii) Interrogatories in the form of specific questions seeking applicant's factual knowledge; or
(iii) Stipulations as to facts with which the applicant may agree or disagree.
(4) Any reply to a requirement for information pursuant to this section that states either that the information required to be submitted is unknown to or is not readily available to the party or parties from which it was requested may be accepted as a complete reply.
(b) The requirement for information of paragraph (a)(1) of this section may be included in an Office action, or sent separately.
(c) A reply, or a failure to reply, to a requirement for information under this section will be governed by §§ 1.135 and 1.136.

704.12 Replies to a Requirement for Information

Replies to requirements for information must be complete and filed within the time period set including any extensions. Failure to reply within the time period set will result in the abandonment of the application. All replies for a request for information should be checked for completeness. Any incomplete reply can be completed within the original time period set including any extensions. Supplemental replies filed after the expiration of the original period for reply including any extensions of time must comply with all other rules for submissions of information.

704.12(b) [R-3] What Constitutes a Complete Reply

A complete reply to a 37 CFR 1.105 requirement is a reply to each enumerated requirement for information giving either the information required or a statement that the information required to be submitted is unknown and/or is not readily available to the party or parties from which it was requested. There is no requirement for the applicant to show that the required information was not, in fact, readily attainable, but applicant is required to make a good faith attempt to obtain the information and to make a reasonable inquiry once the information is requested.
>There is no need for applicants to distinguish between whether the required information is unknown or is not readily available. Thus, if information remains unknown after a reasonable inquiry is made, applicant may simply reply that the requested information is either unknown or is not readily available rather than be required to make a categorical position either that the information is unknown to the applicant, or that the information is not readily available to the applicant.<
A reply stating that the information required to be submitted is unknown and/or is not readily available to the party or parties from which it was requested will generally be sufficient unless, for example, it is clear the applicant did not understand the requirement, or the reply was ambiguous and a more specific answer is possible.

OPINION

A review of the file record finds that a proper and complete reply to the 35 USC 1.105 requirement was filed on July 14, 2008.

Accordingly, the petition requesting that the requirement under 37 CFR § 1.105, specifically items 1-6, be withdrawn as improper is **DISMISSED AS MOOT**.

The application is being forwarded to the examiner for consideration of the RCE filed September 12, 2008.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/678,766	10/02/2003	1765	1004	SEPP21.001C1		33	3

CONFIRMATION NO. 1629

CORRECTED FILING RECEIPT

OC000000011878900

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 02/11/2004

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)

Eva Tois, Espoo, FINLAND;
Suvi Haukka, Helsinki, FINLAND;
Marko Tuominen, Espoo, FINLAND;

Domestic Priority data as claimed by applicant

This application is a CON of 10/148,525 08/27/2002
which is a 371 of PCT/FI00/01072 12/04/2000

Foreign Applications

FINLAND 19992616 12/03/1999

If Required, Foreign Filing License Granted: 12/29/2003

Projected Publication Date: 04/08/2004

Non-Publication Request: No

Early Publication Request: No

Title

Method of growing oxide thin films

Preliminary Class

117

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).

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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA GA 30361

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FEB 13 2007

OFFICE OF PETITIONS

In re Application of :

Srinivas G. Rao et al. :
Application No. 10/678,767 :
Filed: October 3, 2003 :
Attorney Docket No. CYPR 105/108 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 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 Rivka D. Monheit on behalf of all attorneys of record who are associated with Customer No. 23579.

All attorneys/agents associated with the Customer No. 23579 have been withdrawn.

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

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Srinivas G. Rao**
11590 Jaguar Ct.
San Diego, CA 92131

cc: **S. Peter Ludwig, Esq.**
Darby & Darby
805 Third Avenue
New York, NY 10022

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/678,767	10/03/2003	Srinivas G. Rao	CYPR 105/108

CONFIRMATION NO. 3411

OC000000022484982

OC000000022484982

23579
PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

Date Mailed: 02/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2006.

- 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.

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

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DEC 1 8 2009

OFFICE OF PETITIONS

In re Application of :
Rao, et al. :
Application No. 10/678,767 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 11013.0004-00000 :

This is a decision on the petition filed September 3, 2009, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed November 27, 2007 be withdrawn The $400.00 petition fee has been received.

The petition is **granted**.

Petitioners assert that prior-filed Application No. 11/192,885 has been abandoned and the claims of the pending application do not require a terminal disclaimer over the abandoned application. Therefore, the basis for the previous obviousness-type double patenting rejection has been removed and there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn.

The application will be referred to Technology Center A.U. 3411 for alteration of USPTO records for the above-identified application consistent with this decision and for consideration of the RCE and amendment filed on September 3, 2009.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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GARRETT & DUNNER LLP
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WASHINGTON DC 20001-4413

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of :
Rao, et al. :
Application No. 10/678,767 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 11013.0004-00000 :

This is a decision on the petition filed September 3, 2009, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed November 27, 2007 be withdrawn The $400.00 petition fee has been received.

The petition is **granted**.

Petitioners assert that prior-filed Application No. 11/192,885 has been abandoned and the claims of the pending application do not require a terminal disclaimer over the abandoned application. Therefore, the basis for the previous obviousness-type double patenting rejection has been removed and there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn.

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Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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AKERMAN SENTERFITT
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WEST PALM BEACH FL 33402-3188

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Vahid Goudarzi :
Application No. 10/678,834 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 7463-30 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 31, 2007.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action, mailed March 21, 2005. This Office action set a shortened statutory period for reply of one (1) month. The Office mailed a Notice of Abandonment on May 31, 2006.

A review of the application file reveals the presence of response, filed April 11, 2005. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The Notice of Abandonment is hereby **VACATED.**

The matter is being forwarded to Group Art Unit 2823 for consideration of the reply filed April 11, 2005.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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PFIZER INC
STEVE T ZELSON
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

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MAR 31 2008

In re Application	:	
Perros, et al.	:	
Application No. 10/678,836	:	DECISION ON APPLICATION
Filed: October 3, 2003	:	FOR PATENT TERM ADJUSTMENT
Atty Docket No. PC10925B	:	

This is a decision on the "Petition to Adjust Patent Term Adjustment (PTA) Indicated in Notice of Allowance", filed January 25, 2008. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be increased from the currently accorded two hundred forty-four (244) days to five hundred forty-nine (549) days.

For the reasons set forth below, a decision on the request for reconsideration of the patent term adjustment indicated on the patent is being **HELD IN ABEYANCE** until after the actual patent date.

Patentees are given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Patentees may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

On October 25, 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 one hundred fifty-eight (158) days. On January 25, 2008, Applicants timely[1] submitted the instant application for patent term adjustment.

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

The Office initially determined a patent term adjustment of two hundred forty-four (244) days based on an adjustment of sixty-two (62) days of PTO delay pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and eighteen (18) and one hundred ninety-six (196) days, both pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. 1.703(a)(2), reduced by applicants' delay of thirty-two (32) days pursuant to 37 C.F.R § 1.704(b). All periods of adjustment have been reviewed and found to be correct.

However, applicants assert additional PTO delay for the failure on the part of the Office to issue the patent within three years of its filing. The Office will be able to assess whether or not any additional PTA is accorded once the issue date is established.[2]

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **two hundred forty-four (244)** (276 (62+18+196) days of PTO delay, reduced by 32 days of applicant delay).

The $200 fee set forth in 37 C.F.R. § 1.18(e) has been charged to Deposit Account No. 16-1445, as authorized.

The application is being forwarded to the Office of Patent Publication for processing into a patent.

---

[1] Applicant filed the application for patent term adjustment together with the payment of the issue fee.

[2] Applicant should note that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period of pendency before the Office except for periods excluded under 35 U.S.C. (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).

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Patrick W. Rasche
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

Mail Date: 04/21/2010

Applicant	: Toan Thanh Le	: DECISION ON REQUEST FOR
Patent Number	: 7620444	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,839	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **654** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Gordon Bowman	: DECISION ON REQUEST FOR
Patent Number	: 7669183	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/678,846	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Steven B. Pokotilow
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

MAILED

NOV 02 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re application of : **DECISION ON PETITION**
Jack Wasserman : **TO MAKE SPECIAL**
Application No. 10/678,871 : **(ACCELERATED**
Filed: October 3, 2003 : **EXAMINATION)**
For: METHOD AND SYSTEM FOR OBTAINING AND FINANCING EXCLUSIVE REAL ESTATE LISTINGS

This is in response to the petition filed on June 4, 2004, 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, "In accordance with M.P.E.P. § 708.02, Applicant hereby states that, should the Office determine that all the claims are not directed to a single invention, Applicant will make an election without traverse."

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/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
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Steven B. Pokotilow
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York NY 10038

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jack Wasserman :
Application No. 10/678,871 :
Filed: October 3, 2003 :
Title:METHOD AND SYSTEM FOR :
OBTAINING AND FINANCING EXCLUSIVE
REAL ESTATE LISTINGS

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed January 9, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned October 2, 2005 for failure to timely reply to the non-final Office Action mailed on April 1, 2005. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed December 22, 2005.

Petitioner asserts that a reply to the non-final Office Action and a request was for a three month extension of time and fee were timely submitted on October 3, 2005. Petitioner acknowledges the reply was sent to the examiner's direct facsimile number. On October 4, 2005 the examiner called petitioner and asked for the response to the Office Action be re-submitted to the central fax number. As evidence, petitioner has submitted a copy of the reply which contains a certificate of transmission dated October 3, 2005 pursuant to 37 CFR 1.8. Petitioner has also provided a copy of the sending unit's report which shows transmission was completed on October 3, 2005.

The response submitted January 17, 2005 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely. Petitioner however is cautioned that all correspondence (with a few exceptions) transmitted by facsimile should be directed to the central facsimile number of (571) 273-8300. Only unofficial correspondence may continue to be transmitted by facsimile to the technology centers. MPEP 501.

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

The application file is being forwarded to the Technology Center 3600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

PATENT
DOCKET NO. PLI-1187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Frankel
Serial No: 0 / 10/678,881 Group No: 1761
Filed: 10/2/03 Examiner: Alexander 11-12-05
For: CONTROLLED COOKING SYSTEM

Mail Stop Petitions
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that the *attached* correspondence comprising:

Petition to Make Special Based on the Applicant's Age
Copy of Social Security Card and Driver Licnse attached.

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petitions
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

on Aug 10, 2005

Martha T. Cota
(Type or print name of person mailing paper)

Martha T. Cota
(Signature of person mailing paper)

BEST AVAILABLE COPY

PETITION GRANTED

R Crispino

Richard Crispino
Special Program Examiner
TC 1700 AUG 3 0 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Jeffrey Y. Kao
Shell Oil Company
Legal-Intellectual Property
P.O. Box 2463
Houston TX 77252-2463

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APR 0 7 2005

OFFICE OF PETITIONS

In re Application of
Edwards, et al.
Application No. 10/678,889
Filed: October 3, 2003
Attorney Docket No. TH1647 03(US)
For: BRANCHED PRIMARY ALCOHOL COMPOSITIONS AND DERIVATIVES THEREOF

:
: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 October 18, 2004 (certificate of mailing date October 14, 2004), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR § 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed application.[1]

The instant pending nonprovisional application was filed on October 3, 2003, and was pending at the time of filing of the instant petition. A reference to provisional application no. 60/257,670,

[1] Petitioner should submit another amendment eliminating the original first line of the specification, as (1) it is a claim for benefit to provisional application no. 60/257,670, filed December 21, 2000, (2) no intermediate application filed within 12 months of the provisional application is listed, and (3) the instant application was filed on October 3, 2003. The amendment filed with the present petition properly claims benefit to application nos. 10/025,080 and 60/257,670.

filed December 21, 2000, was included in the first line of the specification filed on October 3, 2003. While a reference to the prior-filed nonprovisional application, no. 10/025,080, filed December 19, 2001, was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(3) or 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §§ 1.78(a)(2)(ii) or 1.78(a)(5)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3) or1.78(a)(6).[2]

In the instant case, the Office noted the claim for priority of the prior-filed nonprovisional application in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt, mailed January 5, 2004.

In view of the above, the $1,370.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230. 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 AU 1751 for appropriate action on the amendment filed October 18, 2004 (certificate of mailing date October 14, 2004), including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for benefit of the prior-filed application.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[2] *Note* MPEP 201.11 (III)(D) , pages 200-59 and 200-60 (Rev. 2. May 2004) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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RUTAN & TUCKER, LLP
SUITE 1400
611 ANTON BLVD.
COSTA MESA CA 92626

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OFFICE OF PETITIONS

In re Application of :
Raksh Vir Jasra et al. :
Application No. 10/678,902 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 101090.0001US :

This is a decision on the petition filed May 31, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned March 15, 2005 for failure to timely pay the issue fee on or before May 14, 2005. Accordingly, a Notice of Abandonment was mailed May 18, 2006.

The issue fee, publication fee and petition fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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OFFICE OF PETITIONS

Erik M. Arnhem
P.O. Box 480274
Los Angeles CA 90048

In re Application of :
BOEHMKE, STEVEN LEE :
Application No. 10/678,912 : ON PETITION
Filed: October 06, 2003 :
Attorney Docket No. BOE-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office Action mailed October 05, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 06, 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; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office Action of October 05, 2005 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. 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 the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

A Revocation of and Appointment of Power Attorney along with a Request to Change the Correspondence Address of Record was filed on February 18, 2010. However, the power of attorney names more than ten practitioners and therefore, will not be entered. Should petitioner desire to have the power of attorney entered, a copy of the power of attorney should be refilled with a separate paper indicating which ten patent practitioners named in the power of attorney are

to be recognized by the Office. See 37 CFR 1.32(c)(3). As the change of correspondence address is in proper form it has been entered.

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Patent Application Processing.

/Thurman K. Page for DB/
David Bucci
Petitions Examiner
Office of Petitions

CC: MICHAEL J. ZINGALE
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Eugene Oak, Ph.D., J.D.
Patent Attorney
610 S. Van Ness Ave.
Los Angeles CA 90005

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MAY 23 2006

OFFICE OF PETITIONS

In re Application of :
Choi :
Application No. 10/678,913 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 911-2153A :
For: METHOD OF STOPPING A STOLEN CAR WITHOUT A HIGH-SPEED CHASE, UTILIZING A BAR CODE

This is a decision on the petition under 37 CFR 1.137(a), filed April 25, 2006 to revive the application. The petition will also be treated as a constructive petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

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

Any further petition to revive the above-identified application 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 is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the September 1, 2004 Notice of Drawing Inconsistency with Specification, which set a non-extendable one month or thirty day period, whichever was longer, for reply. No reply being received, the Office considered this application abandoned on October 2, 2004. A Notice of Abandonment was mailed on November 3, 2004.

Petitioner states he has not received a letter from the Office since May 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 does not satisfy requirement (3).

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 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, telefacsimile, 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).

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable". 35 U.S.C.§ 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term '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"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 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 to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

The showing required to establish non-receipt of an Office communication must include:

1. 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.
2. 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.[1]

A review of the record indicates no irregularity in the mailing of the September 1, 2004 Notice, and in the absence of any irregularity there is a strong presumption that the communication was

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) practitioner has not attested to the fact that a search of the file jacket and docket records indicates that the Office communication was not received and (2) practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

In short, petitioner has not provided adequate evidence of non-receipt. The petition under 37 CFR 1.181 is dismissed. The petition under 37 CFR 1.137(a) is dismissed.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

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

Eugene Oak, Ph.D., J.D.
Patent Attorney
610 S. Van Ness Ave.
Los Angeles, CA 90005

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OFFICE OF PETITIONS

In re Application of :
Choi :
Application No. 10/678,913 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 911-2153A :
For: METHOD OF STOPPING A STOLEN CAR WITHOUT A HIGH-SPEED CHASE, UTILIZING A BAR CODE

This is a decision on the petition under 37 CFR 1.137(b), filed June 26, 2006, to revive the above-identified application.

This application became abandoned for failure to timely submit a reply to the September 1, 2004 Notice of Drawing Inconsistency with Specification, which set a no-extendable one month or thirty day period, whichever was longer, for reply. No reply being received, the application became abandoned on October 2, 2004. A Notice of Abandonment was mailed on November 3, 2004.

Applicant has submitted a proper reply in the form of an amendment to the specification, an acceptable statement of the unintentional nature of the delay in responding to the September 1, 2004 Notice of Drawing Inconsistency with Specification and the petition fee.[1]

The petition is **granted**.

---

[1] The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning 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." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

In re Patent No. 6,874,735 :
Issue Date: April 05, 2005 :
Application No. 10/678,923 : DECISION ON PETITION
Filed: October 06, 2003 :
Attorney Docket No. LOA 504 :

This is a decision on the petition under 37 CFR 1.378(c), filed April 09, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on April 05, 2009 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The patent file is being forwarded to Files Repository.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JEFF AUDYLI**
1709 NORTH SAYRE
CHICAGO, ILLINOIS 60707

UNITED STATES PATENT AND TRADEMARK OFFICE

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR

SAN FRANCISCO CA 94108

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JUL 15 2010

OFFICE OF PETITIONS

In re Application :
Cooper, et al. :
Application No. 10/678,935 : PATENT TERM ADJUSTMENT
Filed: October 3, 2003 :
Dkt. No.: FXPL-01085US0 :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed February 2, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 1,115 days, not 877 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Requests for reconsideration of the patent term adjustment require the submission of the required application for patent term adjustment application fee of $200.00. See, 37 CFR 1.705(b)(1) and 1.18(e).

The instant request for reconsideration of the patent term adjustment lacks the required fee and is thus subject to dismissal. While the application for patent term adjustment includes an authorization to charge the required application fee to Deposit Account No. 06-1325, the authorization is not signed by an authorized account user.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,124,818 :
Issue Date: October 24, 2006 :
Application No. 10/678,963 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. WEAT/0459 :

This is a decision on the petition under 37 CFR 3.81(b), filed June 21, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is Optoplan AS or Houston, TX, and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the front page of the patent be corrected to reflect Optoplan AS as the assignee.

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 supplied.]

The request under 37 CFR 3.81(b) was not accompanied by the $100 fee required for the request for a certificate of correction. 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 Optoplan AS was recorded prior to the issuance of this application into a patent. 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 Optoplan AS as the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above, **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of the fee required for the certificate of correction which sets forth Optoplan AS as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision **must** accompany a renewed request for a Certificate of Correction with fee.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction upon submission of the $100 fee therefor.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3218. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

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.g

Date Mailed: May 7, 2008
Patent No. 7,387,405 B2
Ser. No. :10/678963
Inventor(s) :Alfred D. Ducharme, et al.
Issued :January 17, 2008
Title: METHODS AND APPARATUS FOR GENERATING PRESCRIBED SPECTRUMS OF LIGHT

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Randol W. Read
Patterson & Sheridan, LLP)
3040 Post Oak Blvd., Ste. 1500
Houston, TX 77056

MD/mt

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 2 7 2007

Technology Center 2100

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

In re Application of: Oliver, et al.
Application No. 10/678,965
Filed: October 2, 2003
For: FRAUDULENT MESSAGE DETECTION

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the Petition filed July 21, 2006 to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination.

The Petition is **GRANTED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have now been met.

If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID G. HENRY
900 Washington Avenue, 7th Floor
P.O. Box 1470
Waco, TX 77603-1470

COPY MAILED

JUL 17 2006

OFFICE OF PETITIONS

In re Application of :
Urban Cavazos :
Application No. 10/678,968 :
Filed: October 3, 2003 :
Attorney Docket Number: CAVAZOS :

This is a decision in response to the petition under 37 CFR 1.137(b), filed February 16, 2006, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 6, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 7, 2005. A Notice of Abandonment was mailed on August 18, 2005.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). An amendment in response to the Office action is filed with the instant petition. Accordingly, the petition is granted.

This application is being referred to Technology Center Art Unit 1761 for processing of the response, filed October 5, 2005, in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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G. TURNER MOLLER
711 NORTH CARANCHAHUA, SUITE 720
CORPUS CHRISTI, TX 78475

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :
Urban Cavazos :
Application No. 10/678,968 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. CAVAZOS :

This is in response to the communication, filed July 12, 2007, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On September 8, 2006, the Office mailed a final Office action, which set a three month shortened statutory period to reply. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 9, 2006, for failure to submit a timely response to the September 8, 2006 final Office action. On March 29, 2007, the Office mailed a Notice of Abandonment.

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).

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(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.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

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 $510 extension of time submitted with the petition on July 12, 2007 was subsequent to the maximum extendable period for reply, petitioner may apply this amount toward the payment of the petition under 37 CFR 1.137(b) fee, which leaves a balance of $300. If petitioner do not wish to file a petition under 37 CFR 1.137(b), petitioner may request a refund of the extension of time fee of $510 by writing to Mail Stop 16, Refund Requests. A copy of this decision should accompany petitioner's request.

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) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, and Privacy Act Statement.

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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 any 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)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $_____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Type 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 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

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
COURVOISIER CENTER II, SUITE 404
601 BRICKELL KEY DRIVE
MIAMI, FL 33131

FAX RECEIVED

MAY 25 2005

OFFICE OF PETITIONS

In re Application of :
Frank Friedland :
Application No. 10/678,970 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 7320-X03-006 :

This is a decision on the petition under 37 CFR 1.173(b), filed May 11, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 19, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 20, 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 an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of October 19, 2004 is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 3764.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Okamoto & Benedicto, LLP
P.O. Box 641330
San Jose, CA 95164

COPY MAILED

MAY 17 2007

OFFICE OF PETITIONS

In re Application of :

Dileep Sivasankaran et al. :
Application No. 10/678,977 : DECISION ON PETITION
Filed: October 3, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 10030.000210 (GCI-002) : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 12, 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 signed declaration. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2616 action on the merits commensurate with this decision.

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
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ROBERT E. KREBS,
THELEN REID & PRIEST, LLP
P.O. Box 640640
SAN JOSE, CA 95164-0640

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Herold :
Application No. 10/678,987 : DECISION ON PETITION
Filed: October 2, 2003 : TO WITHDRAW
Attorney Docket No. 033905-000024 : 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 5, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mary Jo Bertani
Koestner Bertani LLP
18662 MacArrthur BLVD
Suite 400
Irvine, CA 92612

PET DEC

OIPE JC117 DEC 29 2003 PATENT & TRADEMARK OFFICE

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	10/678,989
Filing Date	October 2, 2003
First Named Inventor	Gi Youl Kim
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	PA2625US

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

Approved
JMstone
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.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☑ the attorneys/agents associated with Customer Number 22830

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: Applicant has instructed Carr & Ferrell LLP to immediately transfer all its patent matters to a new firm for prosecution.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ Customer Number:

OR

☑ Firm or Individual Name	Blakely, Sokoloff, Taylor & Zafman LLP				
Address	60 South Market Street, Suite 510				
Address					
City	San Jose	State	CA	Zip	95113-2392
Country	U.S.A.				
Telephone				Fax	
Name	V. Randall Gard				
Signature			Registration No.		33,886
Date	December 22, 2003		Telephone No.		650-812-3400

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.

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SUITE 400, JEFFERSON CENTRE
SOUTH BEND, IN 46601-191

COPY MAILED

MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Jeffrey C. Herold :
Application No. 10/678,992 : DECISION ON PETITION
Filed: October 2, 2003 : TO WITHDRAW
Attorney Docket No. 033905-025 : 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 17, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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: **Mary Jo Bertani**
Koestner Bertani
18662 MacArthur Blvd., Suite 400
Irvine, CA 92612

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2-22-07

Patent No. : 7,153,596
Ser. No. : 10/679,002
Inventor(s) : K. Tanahashi, et. al.
Issued : December 26, 2006
Title : PERPENDICULAR MAGNETIC RECORDING MEDIUM, MANUFACTURING PROCESS OF THE SAME, AND MAGNETIC STORAGE APPARAUS USING THE SAME
Docket No. : NIT-401

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Antonio Johnson
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 111** or (703) 308-8309

Mattingly, Stanger, Malur & Brundidge, P.C.
1800 Diagonal Road, Suite 370
Alexandria, VA 22314

ej

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P.O. BOX 10395
CHICAGO IL 60610

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Chang et al.	:	LETTER REGARDING PATENT
Application No. 10/679,008	:	TERM ADJUSTMENT
Filed: October 2, 2003	:	
Attorney Docket No. 10519/786	:	
(SDK0435.001US)	:	

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed January 7, 2009. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy. Applicant states that the patent term adjustment for the above-identified application may be too many days.

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

On October 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 that the patent term adjustment to date is 352 days. On January 7, 2009, applicant submitted the instant comment. Applicant does not state any basis for the request for review of the patent term adjustment.

A review of the application history confirms that the period of adjustment of 412 days for Office delay and 60 days of reduction for applicant delay are correct.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 352 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 fee under 37 CFR 1.18(e). The Office thanks applicant for applicant's good faith and candor in bringing this to the attention of the Office.

The application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: PAIR screen for U.S. Application No. 10/679,008

PTA Calculations for Application: 10/679008			
Application Filing Date:	10/02/2003	PTO Delay (PTO):	412
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	60
Post-Issue Petitions:	0	Total PTA (days):	352
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	10/10/2008	MAIL NOTICE OF ALLOWANCE			
66	10/09/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
65	10/09/2008	ISSUE REVISION COMPLETED			
64	10/09/2008	DOCUMENT VERIFICATION			
63	10/07/2008	NOTICE OF ALLOWABILITY			
62	09/30/2008	DATE FORWARDED TO EXAMINER			
61	09/25/2008	RESPONSE AFTER NON-FINAL ACTION			
60	08/25/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
59	08/19/2008	CORRESPONDENCE ADDRESS CHANGE			
58	06/25/2008	MAIL NON-FINAL REJECTION			
57	06/20/2008	NON-FINAL REJECTION			
56	04/10/2008	DATE FORWARDED TO EXAMINER			
55	04/01/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
54	04/10/2008	DATE FORWARDED TO EXAMINER			
53	04/01/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
52	04/10/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
51	04/01/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
50	01/16/2008	MAIL FINAL REJECTION (PTOL - 326)			
49	01/10/2008	FINAL REJECTION			
48	11/20/2007	DATE FORWARDED TO EXAMINER			
47	11/09/2007	RESPONSE AFTER NON-FINAL ACTION			
46	08/16/2007	CORRESPONDENCE ADDRESS CHANGE			

45	08/09/2007	MAIL NON-FINAL REJECTION			
44	08/06/2007	NON-FINAL REJECTION			
43	06/27/2007	DATE FORWARDED TO EXAMINER			
42	06/20/2007	RESPONSE AFTER NON-FINAL ACTION			
41	03/22/2007	MAIL NON-FINAL REJECTION			
40	03/19/2007	NON-FINAL REJECTION			
39	11/21/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	03/06/2007	DATE FORWARDED TO EXAMINER			
37	02/12/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
36	03/06/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
35	02/12/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	02/12/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
33	11/21/2006	REFERENCE CAPTURE ON IDS			
32.7	11/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	11/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	10/19/2006	MAIL ADVISORY ACTION (PTOL - 303)			
30	10/16/2006	ADVISORY ACTION (PTOL-303)			
29	10/12/2006	NOTICE OF APPEAL FILED		30	23
28	10/12/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
27	10/12/2006	NOTICE OF APPEAL FILED			
26	10/12/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	10/13/2006	DATE FORWARDED TO EXAMINER			
24	09/12/2006	AMENDMENT AFTER FINAL REJECTION			
23	06/12/2006	MAIL FINAL REJECTION (PTOL - 326)			
22	06/08/2006	FINAL REJECTION			
21	05/24/2006	DATE FORWARDED TO EXAMINER			
20	05/18/2006	RESPONSE AFTER NON-FINAL ACTION		30	16
19	05/18/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	05/19/2006	CORRESPONDENCE ADDRESS CHANGE			
17	05/19/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			

16	01/18/2006	MAIL NON-FINAL REJECTION	412		-1
15	01/13/2006	NON-FINAL REJECTION			
14	10/27/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
13	09/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	09/17/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	10/27/2003	REFERENCE CAPTURE ON IDS			
10.7	10/27/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/27/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	09/17/2004	CASE DOCKETED TO EXAMINER IN GAU			
8	12/29/2003	APPLICATION RETURN FROM OIPE			
7	12/29/2003	APPLICATION RETURN TO OIPE			
6	12/29/2003	APPLICATION DISPATCHED FROM OIPE			
5	12/30/2003	APPLICATION IS NOW COMPLETE			
4	12/16/2003	CASE CLASSIFIED BY OIPE			
3	12/16/2003	CLEARED BY OIPE CSR			
2	11/11/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/02/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Joel H. Bock
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Chicago, IL 60606

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JUL 25 2006

OFFICE OF PETITIONS

In re Application of

Kumar, et al. :

Application No. 10/679,009

: DECISION ON PETITION

Filed: October 3, 2003

:

Attorney Docket No. 1122-0013

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply in a timely manner to the final Office action mailed November 1, 2005, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was filed on February 3, 2006. An Advisory Action mailed February 14, 2006, advised petitioner advised that the response of February 3, 2006, failed to place the application in condition for allowance. The application became abandoned on February 1, 2006.

The Request for Continued Examination filed June 5, 2006, is noted and made of record. It is noted that a non-final Office action was mailed on June 5, 200, prior to a decision on the instant petition. The mailing of the non-final Office action was premature in light of the application still being in an abandoned status on July 5, 2006. Petitioner should contact Examiner Raevis to determine whether he would like the non-final Office action to stand.

The application is being forwarded to Technology Center 2800, GAU 2856 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JIAWEI HUANG
J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE CA 92618

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OFFICE OF PETITIONS

In re Application of :
WU :
Application No. 10/679,019 :
Filed: September 30, 2003 :
Attorney Docket No. UCIP408 :

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final office action mailed April 1, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final action of April 1, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

The application matter is being forwarded to Technology Center Art Unit 3677.

Denise Pothier
Petitions Examiner
Office of Petitions

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

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JUL 12 2005

OFFICE OF PETITIONS

In re Application of :
Huang, et al. :
Application No. 10/679,020 : ON PETITION
Filed: September 30, 2003 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed August 25, 2004. Accordingly, this application became abandoned on November 26, 2004. A Notice of Abandonment was mailed on March 10, 2005.

The file is being forwarded to Technology Center 3700 for review of the amendment, filed April 27, 2005, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and trademark Office

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GAUTHIER & CONNORS, LLP
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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Edmund J. Balboni et al :
Application No. 10/679,023 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. Analog.7150 :

This is a decision on the petition under 37 CFR 1.181, filed March 29, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed September 15, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment has not been mailed in this application.

Petitioner asserts that the Office action dated September 15, 2006 was not received. In support, petitioner has submitted a copy of the docket records for the months of October 2006, November 2003, December 2006 and March 2007 to demonstrate any due dates relating to correspondence from the USPTO having a mail date from September 2006 that were received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (see also "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, 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 to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition satisfies the above-stated requirements. While the petition does not contain the statement in item (3) above, the statements presented are being construed as meaning that "a search of the file jacket and docket records indicates that the Office action was not received." If this is an improper reading of the statements of nonreceipt made in the petition, petitioner must promptly inform the Office.

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 technical support staff of Art Unit 2817 for re-mailing the Office action of September 15, 2006. The period for reply will run from the date of the re-mailing of the Office action.

Frances Hicks
Petitions Examiner
Office of Petitions

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DONALD W. MEEKER
PATENT AGENT
924 EAST OCEAN FRONT #E
NEWPORT BEACH, CA 92661

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FEB 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Salnikov, Lev	:	
Application No. 10/679,039	:	DECISION ON PETITION
Filed: October 3, 2003	:	
Attorney Docket No. SALNIKOV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 23, 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 1618 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Yi-Hsung Pang :
Application No. 10/679,051 : ON PETITION
Filed: October 2, 2003 :
Attorney Docket No. 59629-8011.US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $395, and the submission required by 37 CFR 1.114; (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 3683 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.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Lisa Liou
101 Jefferson Drive
Menlo Park, CA 94025

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MAY 25 2007

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

In re Application of :
Archie B. Williams III :
Application No. 10/679,052 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 048777/277097 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2007, to revive the above-identified application.

The decision is **DISMISSED AS MOOT.**

The Office record shows that a non-final Office action was mailed on August 7, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 7, 2006, or on or before February 7, 2007 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner obtain a three-month extension of time on January 29, 2007 with the appropriate submission, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the $1500 petition fee will not be charged to petitioner's deposit account.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center 1600 AU 1618 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JAN 21 2009

OFFICE OF PETITIONS

In re Application of :
Archie B. Williams III :
Application No. 10/679,052 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 048777/277097 :

This is a decision on the petition under 37 CFR 1.313(a), filed January 16, 2009, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

"Applicant submits that withdrawal of the present application from issue is necessary so that the inventorship of the present application can be corrected. Specifically, the inventorship must be corrected by adding two inventors, one of which has deceased."

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

> A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option. *See* MPEP 706.07(h)(II).

For the above reason(s), this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The issue fee in this application was received on January 20, 2009. Petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

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

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/18/09 Paper No.: —

TO SPE OF : ART UNIT 1618

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/679052 Patent No.: 7498018 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

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

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER — **SPE**

1618 — **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
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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
10/679,053	10/03/2003	2853	2120	D/A0359	4	95	3

CONFIRMATION NO. 4168

CORRECTED FILING RECEIPT

OC000000018133591

25453
PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR
ROCHESTER, NY 14644

Date Mailed: 02/24/2006

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)

Clifford R. King, Hendersonville, NC;
Wolfgang G. Wedler, Tualatin, OR;

Assignment For Published Patent Application

Xerox Corporation

Power of Attorney:

Eugene Palazzo--20881
Ronald Chapuran--26402
Elizabeth Harasek--28850
Mark Costello--31342
Kevin Kepner--32145
Judith Byorick--32606
Nola McBain--35782

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/679,053

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Printing apparatus and processes employing intermediate transfer with molten intermediate transfer materials

Preliminary Class

347

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).

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,054	10/03/2003	2634	1176	030676	6	33	5

CONFIRMATION NO. 1616

26285
KIRKPATRICK & LOCKHART LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

CORRECTED FILING RECEIPT

OC000000011909670

Date Mailed: 02/17/2004

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)

Kevin G. Woodruff, New York, NY;
Serkan Savasoglu, New York, NY;
Nathan N. McMurtray, New York, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/30/2003

Projected Publication Date: 04/07/2005

Non-Publication Request: No

Early Publication Request: No

Title

Enhanced premium equity participating securities

Preliminary Class

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).

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SILICON / BLAKELY
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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FEB 0 6 2008

OFFICE OF PETITIONS

In re Application of :
James G. Hanko et al :
Application No. 10/679,055 : DECISION ON PETITION
Filed: October 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 8029P030 :

This is a decision on the petition, filed October 5, 2007, 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 October 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 May 15, 2008 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2134 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/679,055	10/03/2003	James G. Hanko	8029P030

CONFIRMATION NO. 2636

65702
SILICON / BLAKELY
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

NONPUBLICATION RESCISSION LETTER

Date Mailed: 02/06/2008

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 05/15/2008.

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

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United States Patent and Trademark Office
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RYNDAK & SURI LLP
200 W. MADISON STREET
SUITE 2100
CHICAGO IL 60606

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APR 25 2007

OFFICE OF PETITIONS

In re Application of :
DURHAM, Steven :
Application No. 10/679,075 : DECISION ON PETITION
Filed: October 03, 2003 : TO WITHDRAW
Attorney Docket No. **40120-10024** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2006.

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

A review of the file record indicates that the power of attorney to RYNDAK & SURI LLP has been revoked by the applicant of the patent application on January 25, 2007. 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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PAUL D. BIANCO**
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
21355 EAST DIXIE HIGHWAY – SUITE 115
MIAMI, FL 33180

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL D. BIANCO: FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI, & BIANCO P.L.
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

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OCT 0 9 2007

OFFICE OF PETITIONS

In re Application of :

DURHAM, Steven :
Application No. 10/679,075 : DECISION ON PETITION
Filed: October 03, 2003 : TO WITHDRAW
Attorney Docket No. **40120-10024** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 09, 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 Paul Blanco on behalf of all attorneys of record who are. 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 inventor Steven Durham at the address indicated below. There is an outstanding Office action mailed July 09, 2007 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **STEVEN DURHAM**
166 BERMUDA COURT
PONTE VEDRA BEACH, FL 32082

UNITED STATES 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 MILLER OFFICES, PLC
801 BRICKELL AVE
SUITE 900
MIAMI, FL 33131

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MAR 26 2008

OFFICE OF PETITIONS

In re Application of :
Steven DURHAM :
Application No. 10/679,075 : DECISION ON PETITION
Filed: October 3, 2003 : TO WITHDRAW
Attorney Docket No. DURHAM-2003 FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 5, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were appointed by customer number.

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

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: STEVEN DURHAM
166 BERMUDA COURT
PONTE VEDRA BEACH, FL 32082

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PATENTS +TMS, P.C.
2849 W. ARMITAGE AVE.
CHICAGO, IL 60647

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MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Steven DURHAM :
Application No. 10/679,075 : DECISION ON PETITION
Filed: October 2, 2003 : TO WITHDRAW
Attorney Docket No. ECS-P-09-001 : 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 25, 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 Stephen T. Scherrer of the attorneys of record associated with Customer No. 29013.

The attorneys of record associated with Customer No. 29013 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: STEVEN DURHAM
695 N. A1A UNIT 106
PONTE VEDRA BEACH, FL 32082

UNITED STATES PATENT AND TRADEMARK OFFICE

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

W. EDWARD JOHANSEN
11661 SAN VICENTE BOULEVARD
LOS ANGELES, CA 90049

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JAN 28 2010

In re Application of
Marcus K. Williams
Application No. 10/679,088
Filed: October 3, 2003
Attorney Docket No. MARCUS#1

ON PETITION

This is a decision on the petition, filed November 12, 2009, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **granted**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliant Appeal Brief under 37 CFR 41.37(c)(1), mailed October 8, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). A Notice of Abandonment was mailed on June 4, 2009. In response, on November 12, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) the reply in the form of an corrected Appeal Brief; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

The application is being referred to Technology Center AU 3765.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: W. EDWARD JOHANSEN
1239 STANDORD STREET, #203
SANTA MONICA, CA 90404

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/20/06

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/679096** Patent No.: **6995905**

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: change does not impact scope of the patent

DREW A. DUNN
SUPERVISORY PATENT EXAMINER

SPE 2872 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No.

BLAKELY SOKOLOFF
TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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NOV 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Djenguerian et al.	:	DECISION ON
Application No. 10/679,108	:	PETITION
Filed: October 3, 2003	:	
Atty Docket No. 005510.P078	:	

This is a decision on the PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION, filed September 11, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, May 26, 2006, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on August 27, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

The petition included the required reply[1] in the form of payment of the Issue Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

[1] There was no distinct but concurrent requirement for new drawings.

Telephone inquiries related 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
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SHELL OIL COMPANY
P O BOX 2463
HOUSTON, TX 77252-2463

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DEC 20 2005

OFFICE OF PETITIONS

In re Application of :
Charles L. Edwards, et al. :
Application No. 10/679,120 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No.: TH1647 04 (US) :
:

This is a decision on the petition, filed December 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 November 22, 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 1621 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,122	10/02/2003	2625	685	10225-004003	10	16	2

CONFIRMATION NO. 2251

CORRECTED FILING RECEIPT

20985
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000018833295

Date Mailed: 05/17/2006

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)

Bob Ellis, Laguna Niguel, CA;
William J. Decker, San Diego, CA;
Gina McLaren, Laguna Niguel, CA;

Assignment For Published Patent Application

ChromaVision Medical Systems, Inc., a California corporation

Power of Attorney:

Frederick Rabin–24488
William Egan III–28411
David Feigenbaum–30378
Scott Harris–32030
John Phillips–35322
Richard Anderson–36732
Hans Troesch–36950
Samuel Borodach–38388
James Hagler–40631
Kenyon Jenckes–41873

Domestic Priority data as claimed by applicant

This application is a CON of 10/081,714 02/20/2002 PAT 6,631,203
which is a CON of 09/344,308 06/24/1999 PAT 6,418,236
which claims benefit of 60/129,384 04/13/1999

Foreign Applications **Acceptable Request to Retrieve Priority Application Received?**

If Required, Foreign Filing License Granted: 01/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US10/679,122

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

HISTOLOGICAL RECONSTRUCTION AND AUTOMATED IMAGE ANALYSIS

Preliminary Class

382

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

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JEFFREY Y. KAO
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LEGAL - INTELLECTUAL PROPERTY
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OCT 2 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Charles L. Edwards et al :
Application No. 10/679,126 :
Filed: October 3, 2003 :
Attorney Docket No. TH1647 03 (US) :

This is a decision on the petition, filed October 19, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition under 37 CFR 1.313(c)(2) 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 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 Art Unit 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

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JEFFREY Y. KAO
SHELL OIL COMPANY
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OCT 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Charles L. Edwards et al :
Application No. 10/679,126 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. TH1647 03 (US) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 19, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional Application No. 10/025,080, filed December 19, 2001.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to prior-filed nonprovisional Application No. 10/025,080, filed December 19, 2001.

The instant pending nonprovisional application was filed on October 3, 2003, and was pending at the time of filing of the instant petition. While a reference to the prior-filed nonprovisional application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR 1.78(a)(2). However, on the other hand, if the USPTO does not note the claim for priority to the nonprovisional application in the oath or declaration or transmittal letter submitted

with the application, a petition will be required to accept a late claim for priority under 37 CFR 1.78(a)(3).[1] In the instant case, the Office noted the claim for priority of nonprovisional Application No. 10/025,080 in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt.

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

The examiner of Technology Center AU 1621 will consider the amendment filed with the instant petition, and for 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 nonprovisional Application No. 10/025,080, filed on December 19, 2001.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Note 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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Mailed: 11-3-05

THM

In re application of	:	
Ayata	:	DECISION ON
Serial No. 10/679,139	:	PETITION
Filed: October 3, 2003	:	
For: NON-SLIP MATERIALS AND ARTICLES AND METHODS OF MAKING THEREOF	:	

This is a decision on the petition filed on October 10, 2005. The petition requests that the period for reply to the Office action dated June 9, 2005 be restarted by mailing a new Office action.

DECISION

The instant PETITION is accepted as a petition under 37 CFR 1.181(no fee).

A review of the application record and the petitioner's evidence indicates that the request has merit. Further, the electronic file provides a copy of the Office action returned by the Postal Service to the Patent Office. A review of the address indicates that the correct address was listed and should have been delivered and its return to the Office was of no fault of the Applicant.

The petition is **GRANTED**.

The Office action of June 9, 2005 will be remailed and a new period for response will commence with that mailing.

Jacqueline M. Stone

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

Needle & Rosenberg, P.C.
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,166	10/03/2003	3763	907	34548.208	7	66	4

CONFIRMATION NO. 3958

CORRECTED FILING RECEIPT

Intellectual Property Department
DEWITT ROSS & STEVENS S.C.
US Bank Building
8000 Excelsior Drive Suite 401
Madison, WI 53717-1914

OC000000013045868

Date Mailed: 06/23/2004

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)

David C. Szakelyhidi JR., Harmony, PA;
Alex V. Cardinali, Alexandria, VA;
Joel D. Stitzel, Blacksburg, VA;
Alfred A. Durham, Roanoke, VA;
Alfred L. Wicks, Blacksburg, VA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/30/2003

Projected Publication Date: 04/07/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Magnetic targeting device

Preliminary Class

604

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).

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Paper No.

QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

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MAY 13 2004

OFFICE OF PETITIONS

In re Application of :
Cohen et al. :
Application No. 10/679,186 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. :
529-000210US :

This is a decision on the Request for a Corrected Filing Receipt, filed March 29, 2004, requesting correction of the filing date of the above-identified application. Petitioner requests that the above-identified application be accorded a filing date of October 3, 2003, and requests a corrected filing receipt.

Petitioner alleges the application was deposited in "Express Mail" service with the U.S. Postal Service, on October 3, 2003. In support, Petitioner provides a copy of the Express Mail label, receipt number EV148041996US, with a "Date-In" of October 3, 2003. A review of the application file reveal that the same Express Mail label receipt number, EV148041996US, was included on the Application Transmittal page filed with the application on October 3, 2003.

A review of Office records indicate that the application has been accorded a filing date of October 3, 2003. A corrected Filing Receipt accompanies this decision.

In view of the foregoing, this Petition is granted to the extent that a corrected filing receipt is being issued.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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Paper No.

QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

COPY MAILED

MAY 13 2004

OFFICE OF PETITIONS

In re Application of	:	
Cohen et al.	:	DECISION REFUSING
Application No. 10/679,186	:	STATUS UNDER
Filed: October 3, 2003	:	37 CFR 1.47(a)
Attorney Docket No.	:	
529-000210US	:	

This is in response to a Petition under 37 CFR 1.47(a), filed February 17, 2004, 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)", 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 October 3, 2003, without a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on February 12, 2004, 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 a Declaration Under 37 CFR 1.47(a) Regarding Joint Inventor who Refuses to Sign, wherein Applicant avers that the nonsigning inventor

refused offers to have the application sent to him for his review and signature.

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 must present a copy of the application papers to the inventor before a refusal can be alleged.

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
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JUL 0 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Cohen et al.	:	DECISION GRANTING
Application No. 10/679,186	:	STATUS UNDER
Filed: October 3, 2003	:	37 CFR 1.47(a)
Attorney Docket No.	:	
529-000210US	:	

This is in response to a Petition under 37 CFR 1.47(a), filed June 10, 2004, 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(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventor, Fred Cohen, 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 inventors 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
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MR. FRED COHEN
572 LEONA DRIVE
LIVERMORE, CA 94550

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JUL 0 8 2004
OFFICE OF PETITIONS

In re Application of :
Cohen et al. :
Application No. 10/679,186 : LETTER
Filed: October 3, 2003 :
Attorney Docket No. :
529-000210US :

Dear Mr. Cohen:

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: QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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 corrections merly correct minor clerical or typographical errors.

/Joseph Woitach/ 1636

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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 corrections merly correct minor clerical or typographical errors.

_____

_____

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_____ _____

SPE **Art Unit**

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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OFFICE OF PETITIONS

In re Application of
Heinrich Dohmann et al.
Application No. 10/679,200
Filed: October 3, 2003
Attorney Docket No. **2309.2003-001**

DECISION ON PETITION
UNDER § 1.183

This is a decision on the petition, filed October 18, 2007, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **GRANTED**.

Both of the joint inventors, signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, the title of the invention in the oath/declaration filed January 26, 2004 was incorrect and as a result, a substitute declaration was required by the non-Final Office Action mailed May 25, 2007. In response thereof, the supplemental oath/declaration is signed by joint inventor Heinrich Dohmann but not by joint inventor Stefan Wickenkamp.

Petitioners assert that copies of the application materials including the supplemental declaration were forwarded to and delivered to Mr. Wickenkamp's last known address but to date he has not returned an executed copy of same.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Wickenkamp is appropriate.

Petitioners are advised however that the fee for a petition under 37 CFR 1.183 is set at $400.00 not $200.00 as is submitted with the petition. Therein, petitioner's deposit account no. 08-0380 has been charged in the amount of $200.00.

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[1]Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

This matter is being referred to Technology Center 1791 for further examination as appropriate.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090601

DATE : June 01, 2009

TO SPE OF : ART UNIT 1661

SUBJECT : Request for Certificate of Correction on Patent No.: PP 15,077

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:

/Anne Marie Grunberg/
Supervisory Patent Examiner, Art Unit 1661

10/079217

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-1-06

Paper No.: _____

TO SPE OF : ART UNIT 1713

SUBJECT : Request for Certificate of Correction on Patent No.: 6936650

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

ROCHAUN JOHNSON
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 119

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

1713
Art Unit

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SEP 14 2004

In re Application of :
Douglas P. Hand : DECISION ON PETITION
Application No. 10/679,219 :
Filed: October 2, 2003 :
Attorney Docket No. HAD 301G

This is a decision on the petition to make special filed on October 2, 2003. The petition is based upon the practice described in MPEP § 708.02(IV) "Applicant's Age." Therefore, no petition fee is required.

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. 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 3751 is being informed of this decision, and will advise the examiner to take future action consistent therewith. The granting of this petition is not to be taken as an endorsement of the invention that is disclosed and claimed.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner,
Technology Center 3700

M. Matthews Hall
Kolisch Hartwell, P.C.
200 Pacific Building
520 S. W. Yamhill Street
Portland, OR 97204

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MAY 19 2009

OFFICE OF PETITIONS

In re Application of :
Gaston S. Ormazabal et al :
Application No. 10/679,222 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 03-1510

This is a decision on the petition, filed May 18, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 11, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2436 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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HOWARD C. MISKIN
C/O STOLL, MISKIN, & BADIE
THE EMPIRE STATE BUILDING
350 FIFTH AVENUE SUITE 4710
NEW YORK, NY 10118

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OFFICE OF PETITIONS

In re Application of :
Sami Shemtov :
Application No. 10/679,223 : ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. 551-P-006 :

This is a decision on the petition, filed February 22, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed April 28, 2004. A Notice of Abandonment was mailed on November 16, 2004.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being referred to Technology Center AU 2882 for consideration of the amendment filed February 22, 2005.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:	
Tsihlas, Dimitri	:	
Application No. 10/679,233	:	ON PETITION
Filed: October 3, 2003	:	
Attorney Docket No. MIC-89 (P50-0049)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 22, 2005, 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 November 15, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on February 16, 2005. A Notice of Abandonment was mailed June 28, 2005.

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

This matter is being referred to Technology Center 3600 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

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

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Manuvir Das	: DECISION ON REQUEST FOR
Patent Number	: 7584458	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,254	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1063** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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10/2/07

DYKEMA GOSSETT PLLC
39577 Woodward avenue, Suite 300
Bloomfield Hills MI 48304

In re Application of:
Cheng, Cyrielle , et al
Serial No. 10/679,260
Filed: Oct. 7, 2003
Docket: 0513-1080
Title:
HOSE FOR CONVEYING FLUIDS CONTAINING HYDROGEN

DECISION ON PETITION
UNDER 37 CFR § 1.144
and § 1.181

This is a decision on the petition filed Feb. 6, 2006 under 37 CFR 1.181 requesting withdrawal of the restriction requirement restricting claims 7-12 from the Office action dated Oct. 6, 2005.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The restriction requirement mailed on Oct. 6, 2005 is withdrawn. Claims 7-12 will be rejoined with the elected invention as claimed in claims 1-6. The examiner has been directed to issue an Office action to treat claims 7-12 on the merits.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3754 for the examiner's preparation of an Office action not inconsistent with this decision. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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JUL 25 2008

OFFICE OF PETITIONS

In re Application of :
YOO, et al. :
Application No. 10/679,263 : DECISION GRANTING PETITION
Filed: October 7, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1630-0607PUS1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/9/07

Paper No.: —

TO SPE OF : ART UNIT 2138

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/679266 Patent No: 7219276

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: _____

JACQUES LOUIS-JACQUES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

SPE

2117
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Anthony C. Fascenda	: DECISION ON REQUEST FOR
Patent Number	: 7607015	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **996** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 05/21/2010

Applicant	: Byung-Hoon Oh	: DECISION ON REQUEST FOR
Patent Number	: 7664975	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/679,293	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **387** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. BOX 14300
WASHINGTON DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
Shuichi Kanno et al.	:	
Application No. 10/679,297	:	DECISION GRANTING PETITION
Filed: October 7, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 056203.50311D4	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 18, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1754 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

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

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FOLEY AND LARDNER LLP
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WASHINGTON DC 20007

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OFFICE OF PETITIONS

Applicant: Kanemaru, et al.	: ON PETITION
Issue Date : Nov. 21, 2008	: 37 CFR 1.705(d)
Application No: 10/679,298	:
Patent No. 7,449,193	: REQUEST FOR RECON
Filed: October 7, 2003	: PATENT TERM
Attorney Docket: 053466-0372	: ADJUSTMENT

This is a decision on the petitions filed on January 5, 2009 and January 15, 2010 which are 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 hundred and fifty-eight (158) days.

The request for reconsideration of patent term adjustment is **GRANTED-IN-PART**. The Office notes that this decision is based upon the petition filed on January 8, 2009 and NOT the petition filed on January 15, 2010 as the latter filed petition would have been deemed untimely. The PTA is 84 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e), paid on January, 2009. No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 158 days. Applicants believe that the amount of PTA is the following:

1) Non-overlapping PTA days of under "A" and "B" is 459

2) Applicant delay of 301 days

Total PTA of 158.

The Office has determined that the amount of "A" delay is 101 days. The amount of "B days" is 284 days. The "B delay is determined from the day after the 36 months, i.e., from October 8, 2006 until one day before the filing of an RCE or issue date, in this case the RCE was filed on September 28, 2007; hence the "B" period extends from October 8, 2006 until September 27, 2007 for a total of 355 days. However, pursuant to 37 CFR 1.703(b)(4) a reduction against B is for the period of 71 days beginning on the date of filing of the notice of appeal and ending on the date of the mailing of a non-final rejection on September 11, 2006. Accordingly, the "B" delay amounts to 284 days, 355-71=284 days. None of the "A" delay overlaps with any of the "B" delay and accordingly the amount of non-overlapping PTA days is 385. The amount of applicant delay as stated by appellant is 301 days. Accordingly, the amount of PTA at the time of the issuance of the patent is eighty-four (84) days.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The applicant is giving **one month or thirty (30) days** whichever is longer to reply to this DECISION. After the response period has elapsed, the Office will *sua sponte* issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eighty-six (84) days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office has assessed the $200.00 request fee. No additional fees are required in this matter.

Telephone inquiries specific to this decision should be directed to Maria Nuzzolillo, Legal Advisor, at (571) 272-8150, or the undersigned at 571-272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Day : Thursday

PALM INTRANET

Date: 7/1/2010
Time: 12:30:37

PTA Calculations for Application: 10/679298			
Application Filing Date:	10/07/2003	PTO Delay (PTO):	365
Issue Date of Patent:	11/11/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	301
Post-Issue Petitions:	0	Total PTA (days):	84
PTO Delay Adjustment:	20		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
88	07/01/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	20		
84.5	10/22/2008	PTA 36 MONTHS	262		
84	11/11/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
83	10/15/2008	EXPORT TO FINAL DATA CAPTURE			
82	10/14/2008	DISPATCH TO FDC			
81	10/13/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
80	10/07/2008	ISSUE FEE PAYMENT VERIFIED			
79	10/07/2008	ISSUE FEE PAYMENT RECEIVED			
78	08/14/2008	FINISHED INITIAL DATA CAPTURE			
77	07/11/2008	EXPORT TO INITIAL DATA CAPTURE			
75	07/08/2008	MAIL NOTICE OF ALLOWANCE	9		63
74	06/19/2008	ISSUE REVISION COMPLETED			
73	06/19/2008	DOCUMENT VERIFICATION			
72	06/19/2008	EXAMINER'S AMENDMENT COMMUNICATION			
71	06/19/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	06/19/2008	NOTICE OF ALLOWABILITY			
65	02/29/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
64	04/02/2008	DATE FORWARDED TO EXAMINER			
63	02/29/2008	RESPONSE AFTER NON-FINAL ACTION		29	59
62	02/29/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
61	03/06/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
		EXAMINER INTERVIEW SUMMARY RECORD			

60	02/27/2008	(PTOL - 413)			
59	10/31/2007	MAIL NON-FINAL REJECTION			
58	10/29/2007	NON-FINAL REJECTION			
57	10/16/2007	DATE FORWARDED TO EXAMINER			
56	09/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
55	10/16/2007	DATE FORWARDED TO EXAMINER			
54	09/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		30	42
53	10/16/2007	DISPOSAL FOR A RCE / CPA / R129			
52	09/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	09/28/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	05/29/2007	MAIL FINAL REJECTION (PTOL - 326)			
41	05/25/2007	FINAL REJECTION			
40	10/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	03/09/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	03/25/2007	DATE FORWARDED TO EXAMINER			
37	03/09/2007	RESPONSE AFTER NON-FINAL ACTION		88	32
36	03/09/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
35.7	03/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	03/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	10/27/2006	CASE DOCKETED TO EXAMINER IN GAU			
33.7	10/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	10/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	09/11/2006	MAIL NON-FINAL REJECTION			
31	09/05/2006	NON-FINAL REJECTION			
30	07/10/2006	DATE FORWARDED TO EXAMINER			
29	07/03/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
28	07/03/2006	NOTICE OF APPEAL FILED		62	26
27	07/03/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			

26	02/02/2006	MAIL FINAL REJECTION (PTOL - 326)			
25	01/05/2006	CERTIFIED TRANSLATION OF FOREIGN PRIORITY DOCUMENT			
23	02/01/2006	FINAL REJECTION			
22	11/15/2005	DATE FORWARDED TO EXAMINER			
21	10/27/2005	RESPONSE AFTER NON-FINAL ACTION		92	19
20	10/27/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	04/27/2005	MAIL NON-FINAL REJECTION			
18	04/25/2005	NON-FINAL REJECTION			
17	04/14/2005	DATE FORWARDED TO EXAMINER			
16	04/08/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
15	03/11/2005	MAIL RESTRICTION REQUIREMENT	94		-1
14	03/09/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
13	09/29/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	10/07/2003	REFERENCE CAPTURE ON IDS			
11.7	10/07/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	10/07/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/07/2003	PRELIMINARY AMENDMENT			
9	10/07/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
8	09/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
7	12/03/2003	APPLICATION RETURN FROM OIPE			
6	12/03/2003	APPLICATION RETURN TO OIPE			
5	12/02/2003	APPLICATION DISPATCHED FROM OIPE			
4	12/03/2003	APPLICATION IS NOW COMPLETE			
3	11/20/2003	CLEARED BY OIPE CSR			
2	11/16/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/07/2003	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.

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DEC -1 2004

In re Application of	:	
Salvatore Rizzoli et al.	:	
Serial No. 10/679,316	:	DECISION ON PETITION
Filed: October 8, 2003	:	TO WITHDRAW AS ATTORNEY
For: A UNIT FOR PREPARING	:	
LEAVES OF PAPER MATERIAL	:	

By papers filed on July 21, 2004, counsel 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 is:

Timothy J. Klima, Esq.
Harbin King & Klima
500 Ninth Street, SE
Washignton, DC 10003

E. Rollins-Cross, Director
Technology Center 3700

Davidson Berquist
Klima & Jackson, LLP
4501 North Fairfax Drive, Suite 920
Arlington, VA 22203

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of :
Kyu-cheol Shin :
Application No. 10/679,317 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No.: 1349.1242 :

This is a decision on the petition, filed February 15, 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 December 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2852 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).

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WELSH & FLAXMANN, LLC
2450 CRYSTAL DRIVE
SUITE 112
ARLINGTON, VA 22202

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OCT 14 2004

OFFICE OF PETITIONS

In re Application of :
Eyal Berkovich, et al. :
Application No. 10/679,329 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. TSI-061 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 30, 2004.

The application became abandoned for failure to pay the issue fee on or before August 25, 2004. Receipt is acknowledged of the requisite issue fee on August 30, 2004.

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

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AUG 3 2004

VP
PAPER NO. ___

In re Application of
Eli Cohen
Serial Number: 10/679,364
Filed: October 7, 2003
For: ADHESIVE RELEASE FILM USED IN CONJUNCTION WITH ADHESIVE BACKED MATERIAL FOR ATTACHING AN OBJECT TO A SURFACE

PETITION UNDER
M.P.E.P.708.02 IV

This is in response to the petition filed March 2, 2004, 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.**

William A. Krynski, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

HOFFMAN, WASSON & GITLER, P.C.
Suite 522
2361 Jefferson Davis Highway
Arlington VA 22202

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Peter L. Kendall
Roylance, Abrams, Berdo & Goodman, L.L.P.
Suite 600
1300 19th Street, N.W.
Washington, DC 20036

Mail Date: 04/21/2010

Applicant	: Jong-Su Lim	: DECISION ON REQUEST FOR
Patent Number	: 7583800	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **938** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Kenneth P. Waszkiewicz
Attorney at Law
29 Murray Avenue
Annapolis, MD 21401

Mail Date: 04/30/2010

Applicant	: Diya B. Obeid	: DECISION ON REQUEST FOR
Patent Number	: 7650286	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/679,432	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1565** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 DEPARTMENT OF COMMERCE
Patent and Trademark Office
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COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/15/08

Patent No. :7282452
Inventor(s) : Kanegae et al.
Issued : 10/16/2007
Title : ETCHING METHOD, SEMICONDUCTOR AND FABRICATING METHOD FOR THE SAME
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 item [56] 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

NIXON & PEABODY LLP
SUITE 900, 401 9TH STREET
WASHINGTON, D.C. 20004-2128

HR/CBN

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

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JUN 19 2006
OFFICE OF PETITIONS

In re Application of :
Hidenori Tachi et al :
Application No. 10/679,491 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 243722US0 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 19, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 2, 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 Wan Laymon at (571) 272-3220.

This application is being referred to Technology Center AU 1756 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Wan Laymon
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Date : June 19, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Hidenori Tachi et al
Application No. : 10/679,491
Filed : October 7, 2003

The above-identified application has been assigned Patent No. 7,063,926 and an issue date of June 20, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicants. 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 20, 2006:

"All reference to Patent No. 7,063,926 to Hidenori Tachi et al of Wakayama-shi, JAPAN for TONER appearing in the Official Gazette of June 20, 2006 should be deleted since no patent was granted."

Wan Laymon
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)

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NEUSTADT, P.C.
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OFFICE OF PETITIONS

In re Application of :
Hidenori Tachi et al :
Application No. 10/679,491 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 243722USO :

This is a decision on the petition, filed October 13, 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 March 2, 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 1756 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).

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JAN 30 2007

OFFICE OF PETITIONS

In re Application of :
Hidenori Tachi et al :
Application No. 10/679,491 :
Filed: Octobre 7, 2003 :
Attorney Docket No. 243722US0 :

ON PETITION

This is a decision on the petition, filed October 13, 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 September 21, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1756 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).

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1940 DUKE STREET
ALEXANDRIA VA 22314

MAIL

JUN 06 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Akira HIKIMURA, et al.
Application Serial No.: 10/679,492
Filed: October 7, 2003
For: **DISK RECORDING AND REPRODUCING DEVICE**

DECISION ON PETITION

This is a decision on the petition, filed on April 10, 2007 under 37 C.F.R. §1.181, requesting that the examiner acknowledge and consider the art cited in an Information Disclosure Statement (IDS) filed on December 21, 2006.

On March 6, 2007, the Office mailed a Notice of Allowability. Attached to the Notice was an initialed copy of the December 21, 2006 IDS 1449 form. A copy of the initialed 1449 form is attached to this decision.

Therefore, the petition is **DISMISSED**.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

Attachment: Initialed copy of the 12/21/06 IDS 1449 form provided with the NOA mailed 3/6/07.

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MCGINN INTELLECTUAL PROPERTY LAW
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8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

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NOV 21 2007

OFFICE OF PETITIONS

In re Application of :
Ken Niwa et al. :
Application No. 10/679,505 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No.: K06-160970M/ATNGB.308

This is a decision on the petition filed October 29, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment or in the alternative under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.
The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner argues due to a telephone conversation with the Examiner of Record, that Corrected Drawings should not have been required as the Examiner had agreed to make some changes to the drawings. In view thereof, no drawings were filed in response to the Notice.

Petitioners are advised that if an Office communication is mailed and that in the absence of that communication not being withdrawn by the USPTO, then by law a response is

---

[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)).

required. The failure to file a response causes the application to become abandoned, even if that communication was sent in error. There is no evidence that the applicants filed a written response or query as is required by 37 CFR 1.2. Therefore, applicants are not afforded an opportunity then to withhold a written response to an office communication even based on a conversation and reliance upon that conversation with an office employee.

This application properly became abandoned August 6, 2007 for failure to file a timely reply to the Notice of Allowability mailed May 3, 2007 and therefore the Notice of Abandonment mailed August 28, 2007 was appropriate.

In view thereof, the holding of abandonment will not be withdrawn.

With respect to the petition to revive, the petition fee in the amount of $1540.00 has been charged to deposit account no. 50-0481.

All other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Publishing Division.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

COPY MAILED

OCT 29 2007

OFFICE OF PETITIONS

In re Application of :
Christian Wietfeld :
Application No. 10/679,511 : DECISION ON PETITION
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. 449122059500 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 25, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on August 3, 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: KEVIN R. SPIVAK
BELL, BOYD & LLOYD, LLP
70 WEST MADISON STREET
SUITE 3100
CHICAGO, IL 60602-4207

UNITED STATES PATENT AND TRADEMARK OFFICE

PET.DEC.

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

APR 7 2004

VP
PAPER NO. ___

In re Application of
William L. Mohan
Serial Number: 10/679530
Filed: October 6, 2003
For: PATTERN MATERIAL

PETITION UNDER
M.P.E.P.708.02 IV

This is in response to the petition filed December 3, 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

ROBERT A. BROWN
PO BOX 2127
NORTHBROOK IL 60065-2127

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FEB 16 2007

OFFICE OF PETITIONS

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY, 10022-7650

In re Application of :
Hiroto Sugahara :
Application No. 10/679,531 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 501558.20003 :

This is a decision in response to the petition, filed July 10, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to an Office action mailed July 8, 2005. A Notice of Abandonment was mailed on June 20, 2006. In response, on July 10, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, including the excessive claim fees; (2) the petition fee of $1,500.00; and (3) the requisite statement of unintentional delay.

This application is being referred to Technology Center AU 2853 for appropriate action by the Examiner in the normal course of business on the amendment received July 10, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OCT 11 2006

TECHNOLOGY CENTER 3600

ROGER GUERARD
24 ESCAMACU CIRCLE
SAINT HELENA ISLAND, SC 29920

In re Application of
GUERARD, Roger Gamble Doughty
Appl. No.: 10/679,534
Filed: October 03, 2003
For: WING-IN-GROUND EFFECT VEHICLE

DECISION ON PETITON FOR SUPERVISORY REVIEW
37 CFR 1.181

This is a decision on the petition filed September 11, 2006 for supervisory review of an examiner's action under 37 CFR 1.181. Petitioner requests the relief of withdrawal of the Notice of Abandonment mailed July 05, 2006.

The petition is **Granted**.

Applicant filed a letter on September 11, 2006 entitled "Challenge to the Notice of Abandonment". This letter has been treated as a petition for supervisory review of the examiner's holding of abandonment. On May 06, 2005, applicant filed a response to an Outstanding Office action mailed February 07, 2005. In response, Applicant received a *Notice of Non-Compliant Amendment* mailed September 19, 2005. In response to this notice, applicant filed another response on November 17, 2005 attempting to correct the noted defects, along with a 1-month extension of time. This timely response was held to also be non-compliant for a similar defect; namely lack of status identifiers and claims not on a separate page, and a second *Notice of Non-Compliant Amendment* was mailed December 12, 2005. This second *Notice of Non-Compliant Amendment* did not grant additional time to respond. On January 10, 2006, applicant responded to this second notice, however this response was untimely. A *Notice of Abandonment* was mailed July 05, 2006 for failure to properly respond in acceptable format to the Office action of February 07, 2005.

A review of the file record indicates that applicant's timely response of November 17, 2005 contains two sets of claims. The second set of claims does in fact have status identifiers, and does begin on a new page. Accordingly, although applicant should have only filed a single set of claims, given applicant's Pro Se status, the response of November 17, 2005 was substantially correct, and should have been entered. Accordingly, applicant's petition is granted and the application is restored to pending status. The response of November 17, 2005 has been entered, and the application will be forwarded to the examiner for consideration of that response on the merits. It is

suggested that to avoid similar problems in the future, only a single set of claims in the appropriate format should be submitted in future responses.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Lars Olson, at (571) 272-6685.

John J. Love, Director
Technology Center 3600

JJL/sjm: 10/6/2006

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ROGER GUERARD
24 ESCAMACU CIRCLE
SAINT HELENA ISLAND SC 29920

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SEP 14 2007

OFFICE OF PETITIONS

In re Application of :
Guerard, Roger Gamble Doughty :
Application No. 10/679,534 :
Filed: October 3, 2003 :
Title: HYBRID VEE-HULL / WING-IN-GROUND EFFECT VESSEL :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 27, 2007, 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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the final Office action mailed October 17, 2006. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on January 18, 2007. A Notice of Abandonment was mailed June 15, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

---

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (1). The instant petition lacks item (1). The Amendment submitted to the Examiner on July 27, 2007 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, along with a Notice of Non-Compliant Amendment under 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:

U.S. Patent and Trademark Office
Customer Service Window 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosures: Advisory Action
Notice of Non-Compliant Amendment

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/679,534	GUERARD, ROGER GAMBLE DOUGHTY	
	Examiner	Art Unit	
	Lars A. Olson	3617	

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

THE REPLY FILED 27 July 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: 12 and 13.
   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: _____.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/679,534	GUERARD, ROGER GAMBLE DOUGHTY	
	Examiner	Art Unit	
	Lars A. Olson	3617	

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

The amendment document filed on *27 July 2007* is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: *Claim 12 is incomplete. Claim 13 is in improper format, and must be in the form of a single sentence*.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

_____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

_____ _____

Legal Instruments Examiner (LIE), if applicable Telephone No.

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ROGER GUERARD
24 ESCAMACU CIRCLE
SAINT HELENA ISLAND SC 29920

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OCT 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Guerard, Roger Gamble Doughty	:	
Application No. 10/679,534	:	ON PETITION
Filed: October 3, 2003	:	
Title: HYBRID VEE-HULL / WING-IN-GROUND EFFECT VESSEL	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 2, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This matter is being referred to Technology Center 3600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

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
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Alexandria, Virginia 22313-1450
www.uspto.gov

Law Office of McMahon
P.O. Box 30069
Kansas City, MO 64112

Mail Date: 04/21/2010

Applicant	: Janmarie Hornack	: DECISION ON REQUEST FOR
Patent Number	: 7597909	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,535	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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LAWRENCE M. CHO
P.O. BOX 2144
CHAMPAIGN, IL 61825

Mail Date: 04/21/2010

Applicant	: Deshanand Singh	: DECISION ON REQUEST FOR
Patent Number	: 7594204	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,593	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **741** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PVF -- RAMBUS, INC.
c/o PARK, VAUGHAN & FLEMING, LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

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JAN 19 2010

In re Application of :
Adrian E. ONG :
Patent No. 7,006,940 : NOTICE
Application No. 10/679,673 :
Filed: October 03, 2003 :
Attorney Docket No. **R-RA0688.CIP2.US**

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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DIVISION NEWPORT
1176 HOWELL STREET, CODE 000C
BLDG. 112T
NEWPORT, RI 02841

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OFFICE OF PETITIONS

In re Application of :
Thomas J. Gieseke, et. al. :
Application No. 10/679,687 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 82996 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 5, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight November 5 2004.

In response, petitioner submitted with the instant petition an authorization to charge, the listed deposit account, $1,500 for the petition to revive fee, $1,400 for the issue fee and $21 for seven (7) advance soft copies. As authorized, the above fees have been charged to petitioner's deposit account.

The petition is **GRANTED**.

The 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
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILTON S. GERSTEIN
MUCH SCHELIST FREED
SUITE 1800
191 N. WACKER DRIVE
CHICAGO, IL 60605

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APR 2 7 2005

OFFICE OF PETITIONS

In re Application of :
Ernest B. Riemann :
Application No. 10/679,689 :
Filed: October 7, 2003 : ON PETITION
Attorney Docket No. 0002792.0002 :

This is a decision on the correspondence filed February 22, 2005, and supplemented on April 15, 2005, in response to a Notice of Omitted Item(s) in a Nonprovisional Application. The correspondence is properly treated as a petition under 37 CFR 1.53 to accord a filing date of October 7, 2003, to pages 3-6 of the specification.

The application was filed on October 7, 2003. On February 7, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, pages 3-6 of the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that pages 3-6 of the specification were originally filed with the application on October 7, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 40 pages of spec., claims and abstract in the above-identified application by this Office on October 7, 2003. A review of the contents of the application file reveal that it contains 31 pages of specification, 4 pages of claims and 1 page of abstract (36 total pages).

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 40 pages of spec., claims and abstract in the above-identified application by this on October 7, 2003.

"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.

Accordingly, the petition is granted.

The copy of pages 3-6 of the specification, filed with the instant petition on February 22, 2005, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 7, 2003, and an indication that pages 3-6 of the specification were present on filing, using pages 3-6 of the specification filed with the instant petition on February 22, 2005.

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

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Mail Date: 04/21/2010

Applicant	: David Bar-Or	: DECISION ON REQUEST FOR
Patent Number	: 7575929	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,699	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **552** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Mail Date: 05/18/2010

Applicant : David Bar-Or
Patent Number : 7575929
Issue Date : 08/18/2009
Application No: 10/679,699
Filed : 10/02/2003

: 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 **642** 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/27/09

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 10679708 Patent No.: 7292229 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Director's SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: To clarify: the the amendment to claim 13, column 23, at line 5 "the signal" should be "a signal"; Also claim 50, column 30 at line 10 "the signal" should be "a signal";

Formatted: Indent: Left: 1.22"

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

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

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OFFICE OF PETITIONS

In re Application of	:	
Bruce Joseph Roser	:	ON
Application No. 10/679723	:	REQUEST FOR RECONSIDERATION
Filed: 10/06/2003	:	OF PATENT TERM ADJUSTMENT
Patent No. 7220836	:	
Issued: 05/22/2007	:	
Attorney Docket Number:	:	
GJE-6089D3	:	

This is a decision on the "Petition Under 37 CFR 1.182 Request for Restoration of Patent Term Adjustment" filed May 23, 2008. The petition is properly treated as a request for reconsideration of patent term adjustment under 37 CFR § 1.705(d).

The request for reconsideration of patent term adjustment is **DISMISSED AS UNTIMELY FILED**.

On May 22, 2007, the application matured into U.S. Patent No. 7,220,836, with a revised patent term adjustment of 306 days. More than 1 year later, on May 23, 2008, patentee submitted this request for reconsideration of patent term adjustment (with required fee).

Patentees are advised that § 1.705(d) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the issued patent. See § 1.702-1.705. Moreover, § 1.705(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could

have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

Under 37 CFR § 1.705(d), reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued. Patentees filed the present petition more than two (2) months after the issue date of the patent. As such the petition is untimely.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. Patentee's deposit account has been refunded the difference between the fee for a petition under 37 CFR 1.182 ($400.00), and the fee for an application for patent term adjustment ($200.00) , or $200.00.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

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OFFICE OF PETITIONS

In re Application of
Songnian Li, et al.
Application No. 10/679,727
Filed: October 6, 2003
Attorney Docket No. DP-310006

ON PETITION

This is a decision in response to the petition, filed September 14, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is DISMISSED AS MOOT.

A review of the record discloses that a "Notice of Omitted Items..." was mailed on December 30, 2003, indicating that pages 12, 13 and 16 of the specification were omitted. The notice set a two-month period to either:

(1) Submit evidence showing that the omitted items were filed, along with a copy of the notice, a petition and the $130 petition fee; or

(2) Supply the omitted items and accept the date that such omitted items were filed in the USPTO as the filing date, along with a copy of the notice, a supplemental declaration under 37 CFR 1.63 and 1.64 referring to such items, a petition under 37 CFR 1.182 requesting the later filing date and the $130 petition fee.

Since applicant did not file a petition under the above options within TWO MONTHS of the date of the notice, the failure to do so was construed as a constructive acceptance by the applicant of the original disclosure of the invention and the application was further processed with a filing date of October 6, 2003, using the application papers present in the USPTO on that date. The application is currently ready for examination. Applicant is reminded that a preliminary amendment must be submitted prior to the first Office action to renumber the pages consecutively and cancel incomplete sentences, etc. caused by the omitted pages.

In view of the above, the petition is unnecessary and no petition fee has been charged to counsel's deposit account, nor is one due.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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TROY MI 48007

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OFFICE OF PETITIONS

In re Application of
Matthew R. Smith et al :
Application No. 10/679,744 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. DP-310128 :
:

This is a decision on the petition filed July 27, 2005, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the petition did not reach the appropriate official for decision within sufficient time to avert issuance of the application into a patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.** Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(l).

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JUL 25 2005

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

In re application of : **DECISION ON PETITION**
Geoffrey Flagstad : **TO MAKE SPECIAL**
Application No. 10/679,749 : **(APPLICANT'S AGE)**
Filed: October 6, 2003 :
For: MEDICAL RECORD CARDS AND STORAGE SYSTEMS

This is a decision on the petition submitted on June 23, 2005 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 statement signed by Geoffrey Flagstad 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**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 7/6/05

PTO/SB/130 (03-08)
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 contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	10/679,749	Confirmation Number	2813	Filing Date	2003-10-06
Attorney Docket Number (optional)	14969US01	Art Unit	3626	Examiner	Morgan, Robert W
First Named Inventor	Geoffrey Flagstad				
Title of Invention	Medical Record Cards And Storage Systems				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Geoffrey		Flagstad	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/George Wheeler/	Date (YYYY-MM-DD)	2008-04-10
Name	George Wheeler	Registration Number	28766

PTO/SB/130 (03-08)
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 contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Geoffrey Flagstad

Application No. 10679749

Filed: October 6,2003

Attorney Docket No. 14969US01

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 10-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Barry M. Yomtov	: DECISION ON REQUEST FOR
Patent Number	: 7599737	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,763	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **404** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Thompson E. Fehr
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Goldenwest Corporate Center
5025 Adams Avenue
Ogden, UT 84403

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OFFICE OF PETITIONS

In re Application of :
Stanley J. CHECKETTS et al. :
Application No. 10/679,780 : DECISION GRANTING PETITION
Filed: October 6, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. PSSSQ-C :

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 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 Nonprovisional Application mailed December 30, 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 prior to the expiration of the maximum extendable period for reply. Accordingly, the above-identified application became abandoned on March 1, 2004.

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 executed oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application is accepted as having been unintentionally delayed.

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 $795.00 extension of time submitted with the petition on January 13, 2005 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Betsy L. Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

This application is being referred to the Office of Initial Patent Examination for further processing.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : November 27, 2007

Patent No. :7,270,931
Inventor :Marie Angelopoulos, et al.
Patent Issued :September 18, 2007
Title :SILICON-CONTAINING COMPOSITIONS FOR SPIN-ON ARC/HARDMASK MATERIALS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error(s) in the Attorney, Agent, or Firm, since the Attorney, Agent, or Firm is printed *solely* in accordance with the PTOL-85b (Issue Fee Transmittal), submitted at time of payment of the base issue fee, no correction is in order here under the provisions of Rules 1.322.

In view of the foregoing, your request is hereby denied.

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

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

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

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308-9380 ext. 123

E.Alan Davis
5828 Van Winkle Lane
Austin, TX 78739

CBN/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Date Mailed : March 24, 2008

Patent No. :7,270,931
Inventor :Marie Angelopoulos, et al.
Patent Issued :September 18, 2007
Title :SILICON-CONTAINING COMPOSITIONS FOR SPIN-ON ARC/HARDMASK MATERIALS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

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In view of the foregoing, your request is hereby denied.

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ATTN: Office of Petitions

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9390 ext. 103

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden Cite, New York 11530

CBN/arg

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

Mail Date: 04/21/2010

Applicant	: Lyn Hughes	: DECISION ON REQUEST FOR
Patent Number	: 7655256	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1571** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LAWRENCE J. DEANGELIS
124 LOTUS STREET
OCEANSIDE, CA 92054

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APR 0 5 2006

OFFICE OF PETITIONS

In re Application of
Lawrence J. DeAngelis
Application No. 10/679,791
Filed: October 6, 2003
For: REMOTE SHOPPING SYSTEM WITH INTEGRATED PRODUCT SPECIFIC ADVERTISING

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 1, 2006, to make the above-identified application special based on actual infringement and applicant's age, as set forth in M.P.E.P. § 708.02, Sections II and IV.

The petition based on age is **GRANTED**.

The petition based on actual infringement is DISMISSED for failure to pay the required fee pursuant to 37 CFR 1.17(h).

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 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 petition includes a copy of a passport. Accordingly, the above-identified application has been accorded "special" status.

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 Art Unit 3627 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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CALYPSO MEDICAL / PERKINS COIE, LLP
P.O. BOX 1247
SEATTLE WA 98111-1247

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JAN 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Wright et al.	:	
Application No. 10/679,801	:	DECISION ON PETITION
Filed: October 6, 2003	:	
Attorney Docket No. 34114-8007US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2008, 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 May 28, 2008. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, this application became abandoned on November 29, 2008. A Notice of Abandonment was mailed on December 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 (previously paid on November 26, 2008) 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 Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 3737 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mailed: 2-7-07

dss

In re Application of :
Robert Bristol et al. : DECISION
Serial No.10/679,816 : ON
Filed: October 06, 2003 : PETITION
For: ENHANCING PHOTORESIST PERFORMANCE USING ELECTRICAL FIELDS

This is a decision on the Petition under 37 CFR 1.181 filed November 07, 2006, requesting the withdrawal of the finality of the Office action dated October 10, 2006 and a new action to be issued addressing the merits of the claimed invention.

Issues:
The applicants provide the following argumentst:1)In the first Office action mailed March 23, 2006, the rejection improperly treated all independent and dependent claims as a group under various 102(b) rejections. The Office Action did not indicate that the Examiner considered the patentability of each claim independently. 2) The Applicants responded on May 30, 2006 . In this response applicant pointed out it was necessary to provide a rejection with respect to the dependent claims and consider the patentability of each claim independently, 3) In the Examiner's final Office Action mailed October 10, 2006, the Examiner still rejected as a group each independent and dependent claim and failed to address each of the dependent claims. The examiner addressed some but not all of the dependent claims and rejected claims without explanation and that the issuance of a final rejection without providing basis for the rejection of the claims prior to final rejection is improper. The rejection further set forth an improper 102 rejection when combined with a reference and well known prior art is defective grounds for rejection and such should have been rejected under 103 with regards to claim 14.

Decision:
A careful review of the entire application record indicates that the petitioner's request to withdraw the finality of the Office action mailed October 10, 2006 has merit.
Specifically, MPEP 706.07 states:

> "Before final rejection is in order a clear issue should be developed between the examiner and the applicant."

In the instant application the first Office action of March 23, 2006; claims 11-19 were rejected under 35 USC 102(e) as being anticipated by Cheng(US 2003/008246), claims 20-24 were rejected as being anticipated under 35 USC 10(b) as being anticipated by Japan 63-244622, claims 25-29 were rejected under 35 USC 102(e) as being anticipated by Nishi(US2003/0032302), and claims 30-33 were rejected under 35 USC102(b) as being anticipated by Templeton(US 2002/0046703). The FINAL action mailed October 10, 2006 rejected the same claims under the same statutes with the same references.

MPEP 707(d) states that

"A plurality of claims should never be grouped together in a common rejection unless that rejection is equally applicable to all claims in the group."

In this case the Office actions failed to address the specific features of all the dependent claims and improperly made an obvious rejection of claim 14 over well known common knowledge of the art in the FINAL action.

Since the Office actions did not address the patentability of each claim independently and the Examiner has improperly grouped a plurality of claims in a common rejection which is not equally applicable to all the claims in the group, the finality of the Office action of October 10, 2006 was inappropriate. Thus no clear issue has been developed between applicant and the examiner.

Therefore, the finality of the Office Action is hereby withdrawn. As a consequence, the applicants' AMENDMENT of November 07, 2006 should now be entered. The application shall be returned for consideration of the November 07, 2006 AMENDMENT. An office action shall follow in due course.

The petition is **GRANTED.**

Jacqueline M. Stone

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

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

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RONALD O. NEERINGS
TEXAS INSTRUMENTS INCORPORTED
P. O. BOX 655474, M/S 3999
DALLAS, TX 75265

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APR 16 2008

In re Application of :
KRENIK, et al. :
Application No. 10/679,818 : DECISION ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. TI-35681 :

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

The petition is **GRANTED.**

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 March 31, 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 1, 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 along with an Appeal Brief; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center Art Unit 2617 for further prosecution.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Christie, Parker & Hale, LLP.
P.O. Box 7068
Pasadena, CA 91109-7068

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SEP 0 8 2006

OFFICE OF PETITIONS

In re Application of :

Cyrus B. Meher-Homji et al. :
Application No. 10/679,820 : DECISION ON PETITION
Filed: October 3, 2003 : TO WITHDRAW
Attorney Docket No. 51005/RDS/M60 : 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, 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, **applicants have been advised of this withdrawal and have not objected to it**, 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.

David Bucci
Petitions Examiner
Office of Petitions

cc: Mee Industries, Inc.
204 West Pomona
Monrovia, CA 91016

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,865	10/06/2003	1642	1273	224382	4	35	19

CONFIRMATION NO. 8115

000023460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

UPDATED FILING RECEIPT

OC000000012067704

Date Mailed: 03/10/2004

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)

Usha Kasid, Rockville, MD;
Prafulla Gokhale, Oak Hill, VA;
Deepak Kumar, Arlington, VA;
Constantinos Broustas, Arlington, VA;
Imran Ahmad, Wadsworth, IL;
Anatoly Dritschilo, Bethesda, MD;
Aquilur Rahman, Potomac, MD;

Assignment For Published Patent Application

Georgetown University, Washington, DC;
NeoPharm, Inc., Lake Forest, IL;

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US02/10848 04/08/2002
which claims benefit of 60/281,796 04/06/2001

Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2004

Projected Publication Date: 06/17/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Gene BRCC-2 and diagnostic and therapeutic uses thereof

Preliminary Class

435

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).

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NOVO NORDISK, INC.
PATENT DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

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OFFICE OF PETITIONS

In re Application of :
Dharma Rao Polisetti et al :
Application No. 10/679,887 : ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. 6511.204-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 14, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 30, 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 Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Wan Laymon
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

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JUN 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,384,967	:	
Polisetti et al.	:	DECISION ON REQUEST FOR
Issue Date: June 10, 2008	:	RECONSIDERATION OF PATENT
Application No. 10/679,887	:	TERM ADJUSTMENT
Filed: October 6, 2003	:	
Attorney Docket No.	:	
6511.204-US	:	

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. § 1.705(d)," filed on August 5, 2008. Patentees request that the Patent Term Adjustment for the above-identified patent be increased by nine (9) days from 317 days to 326 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED TO THE EXTENT INDICATED**.

Patentees are given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred ninety (290) days.

Patentees state the subject patent is not subject to a terminal disclaimer.

On June 10, 2008, the above-identified application matured into U.S. Patent No. 7,384,967. The instant request for Reconsideration filed on August 5, 2008, was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 317 days.

This revised determination was calculated as follows: The initial determination of PTA of 326 days was reduced by nine (9) days for the filing of a miscellaneous incoming letter on February 14, 2008, after the mailing of the notice of allowance.

Patentees contend that there should be no reduction in patent term adjustment. Specifically, patentees contend that the paper filed on February 14, 2008, was a communication stating that the patent term adjustment to date was longer than was believed appropriate.[1]

§ 1.704(e) provides that

> Submission of an application for patent term adjustment under § 1.705(b) (with or without a request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

Likewise, the filing of a letter pursuant to comment 43 is covered by 37 CFR 1.704(e). A review of the record confirms that the miscellaneous incoming letter filed on February 14, 2008 was this letter regarding patent term adjustment pursuant to Comment 43 of the final rule. Therefore, the Patent Term Adjustment was incorrectly reduced. Consequently, nine (9) days will be properly restored to patentees patent term adjustment.

It is noted, however, that on January 30, 2006 (certificate of mailing date January 27, 2006), the issue fee was paid in response to the notice of allowance mailed on October 28, 2005. The issue fee was thus paid three (3) months and two (2) days after the mailing of the notice of allowance.

37 CFR 1.704(b) states that with respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application

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[1] Although the comment regarding patent term adjustment filed on February 14, 2008 states it is "Page 1 of 5," it is noted that only one of the five pages intended to be filed was actually received. The entire five (5) page document, including the signature page, has not been received to date.

for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

37 CFR 1.703(f) states, in pertinent part, that the term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

Thus entry of a period of reduction of two (2) days of patent term adjustment for the filing of the issue fee payment on January 30, 2006, two (2) days and three (3) months after the mailing of the notice of allowance on October 28, 2005 is appropriate.

Further, on April 14, 2006, a petition to withdraw from issue, a request for continued examination, and an amendment were filed. On May 17, 2006, thirty-four (34) days after the filing of the request for continued examination, a notice of allowance was mailed in response to the request for continued examination and amendment.

37 CFR 1.704(c)(10) states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: 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.

The request for continued examination was mailed on April 14, 2006, after payment of the issue fee. The Office responded to the request for continued examination on May 17, 2006, 34 days after the filing of the request for continued examination, by mailing a notice of allowance in response to the request for continued examination. Accordingly, entry of a period of reduction of patent term adjustment of 34 days is appropriate under 37 CFR 1.704(c)(10).

In view thereof, the patent term adjustment indicated on the patent should be two hundred ninety (290) days (326 days of PTO delay and 36 (2+34) days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being referred to the Certificate of Correction Branch for issuance of a certificate of correction 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 TWO HUNDRED NINETY (290) 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

Encl: DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,384,967 B2

DATED : June 10, 2008

INVENTOR(S) : Dharma Rao Polisetti 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 (317) days

Delete the phrase "by 317 days" and insert – by 290 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,384,967	:	
Polisetti et al.	:	LETTER
Issue Date: June 10, 2008	:	REGARDING
Application No. 10/679,887	:	PATENT TERM ADJUSTMENT
Filed: October 6, 2003	:	
Attorney Docket No.	:	
6511.204-US	:	

This letter is in response to the "FOLLOW-UP COMMUNICATION PURSUANT TO MPEP 2733 REGARDING PATENT TERM ADJUSTMENT (PTA) INDICATED IN NOTICE OF ALLOWANCE" filed on July 22, 2009, in which patentees request reconsideration of the patent term adjustment.

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

Patentees are given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred sixty-four (164) days.

On June 10, 2008, the above-identified application matured into U.S. Patent No. 7,384,967. The patent issued with a revised Patent Term Adjustment of 317 days. On August 5, 2008, a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d) was filed. On June 23, 2009, a decision was mailed granting the request to the extent that a

certificate of correction was issued indicating the patent term adjustment at the time of issuance was 290 days.

On July 22, 2009, the subject request for reconsideration was filed. Patentees note that they attempted to file, on February 14, 2008, a comment stating that the patent term adjustment appeared to be longer than appropriate. Patentees note that the decision mailed on June 23, 2009, stated that only Page 1 of 5 had been received on February 14, 2008. Patentees further note that a complete copy of the comment regarding patent term adjustment was filed on March 11, 2008. Patentees request reconsideration of the prior decision in consideration thereof.

A review of the record reveals that patentees should have been assessed an additional delay of eighty (80) days. On October 23, 2006, a request for continued examination was filed in response to a notice of allowance mailed on August 3, 2006. On August 29, 2007, prior to the mailing of an office action in response to the request for continued examination filed on October 23, 2006, an additional request for continued examination and an amendment were filed. On November 16, 2007, a notice of allowance was mailed.

37 CFR 1.704(c)(10) 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: 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.

It is undisputed that after the mailing of a notice of allowance on August 3, 2006, requests for continued examination (RCE) were filed in this application on October 23, 2006, and August 29, 2007. On December 7, 2006, the Office mailed a response to the RCE filed on October 23, 2006. On November 16, 2007, the Office mailed a Notice of Allowance in response to the RCE filed August

29, 2007. Pursuant to 37 CFR 1.704(c)(10), the Office should have entered periods of reduction of 46 days for the period beginning on October 23, 2006, and ending on December 7, 2006, and 80 days for the period beginning on August 29, 2007 and ending on November 16, 2007.

In view thereof, the patent term adjustment indicated on the patent should be one hundred sixty-four (164) days (326 days of Office delay and 162 (36 + 80 + 46) days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application is being referred to the Certificate of Correction Branch for issuance of a certificate of correction 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 SIXTY-FOUR (164) days.

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

Anthony Knight
Supervisor
Office of Petitions

Encl: DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,384,967 B2

DATED : Jun. 10, 2008

INVENTOR(S) : Polisetti 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 (317) days

Delete the phrase "by 317 days" and insert – by 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

Paper No. None

Michael I. Kroll
171 Stillwell Lane
Syosset NY 11791

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JUN 16 2006

OFFICE OF PETITIONS

In re Application of :
Ismail A. Elembaby :
Application No. 10/679,895 : DECISION ON PETITION
Filed: October 6, 2003 : UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: IE-2-JS-MV :
Title: ADAPTABLE LIGHT UNIT FOR CELLULAR PHONES

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on December 30, 2005.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 18, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned on August 19, 2005. A Notice of Abandonment was mailed on October 26, 2005.

---

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).

37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, the issue fee, and a statement which is being construed as the proper statement of unintentional delay.

As such, the petition is **GRANTED**.

After the mailing of this decision, the Office of Patent Publications will be notified of the same so that the present application can be processed into a patent.

The phone number for the Office of Patent Publication is (571) 272-4200. 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
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PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

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AUG 0 3 2007

OFFICE OF PETITIONS

In re Application of :

LAWTER, James R. :
Application No. 10/679,913 : DECISION ON PETITION
Filed: October 06, 2003 : TO WITHDRAW
Attorney Docket No. **2961** : 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 26, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, the file was previously transferred to Clark & Elbing, LLP, does 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CLARK & ELBING LLP**
101 FEDERAL STREET
BOSTON MA 02110

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PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

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OFFICE OF PETITIONS

In re Application of :
LAWTER, James Ronald :
Application No. 10/679,913 : DECISION ON PETITION
Filed: October 06, 2003 : TO WITHDRAW
Attorney Docket No. **05-760-A** : 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 22, 2007.

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

A review of the file record indicates that the power of attorney to PABST PATENT GROUP LLP has been revoked by the assignee of the patent application on June 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP**
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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60 STATE STREET
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of	:	ON APPLICATION FOR
Tober et al.	:	PATENT TERM ADJUSTMENT
Application No. 10/679938	:	AND REQUEST FOR
Filing or 371(c) Date: 10/06/2003	:	RECONSIDERATION OF
Attorney Docket Number: 111244.150 (US2)	:	PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705, filed July 21, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is 721 days, not 441 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The Application for Patent Term Adjustment is properly treated under 37 C.F.R. § 1.705(b).

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

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

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

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

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

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

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

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

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

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

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WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

Mail Date: 04/20/2010

Applicant	: Benjamin Ari Tober	: DECISION ON REQUEST FOR
Patent Number	: 7613836	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,938	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **721** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 04/21/2010

Applicant	: Achutha Raman Rangachari	: DECISION ON REQUEST FOR
Patent Number	: 7600221	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/679,939	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1413** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 05/18/2010

Applicant : Achutha Raman Rangachari
Patent Number : 7600221
Issue Date : 10/06/2009
Application No: 10/679,939
Filed : 10/06/2003

: 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 **1454** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

MAILED

MAY 05 2009

OFFICE OF PETITIONS

In re Application of :
LAZAR, Sashi et al. :
Application No. 10/679,947 : DECISION ON PETITION
Filed: October 06, 2003 : TO WITHDRAW
Attorney Docket No. **9746-95U1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2008.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to PANITCH SCHWARZE BELISARIO & NADEL has been revoked by the assignee of the patent application on December 23, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MCNEELY BODENDORF LLP**
P.O. BOX 34175
WASHINGTON DC 20043

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Robert Seemayer et al :
Application No. 10/679,961 : DECISION GRANTING PETITION
Filed: October 6, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. U 014840-0 :

This is a decision on the petition, filed October 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 October 8, 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 1625 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).*

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JEFFREY S. STANDLEY
STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

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MAY 18 2006
OFFICE OF PETITIONS

In re Application of	:	
Joachim Laurenz Naimer et al	:	
Application No. 10/679,975	:	DECISION ON PETITION
Filed: October 7, 2003	:	TO WITHDRAW
Attorney Docket No. UNI1773-007	:	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 18, 2005.

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

A review of the file record indicates that the power of attorney to Stephen Grant, along with all of the other attorneys associated with Customer No. **08698**, has been revoked by the assignee of the patent application on December 9, 2005. 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/assignee or the current attorneys of record.

Telephone inquires concerning this decision should be directed to Karen Creasy at 571-272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

cc:

GREENBERG TRAURIG, LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

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STANDLEY LAW GROUP LLP
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MAY 18 2006
OFFICE OF PETITIONS

In re Application of :
Joachim Laurenz Naimer et al :
Application No. 10/679,975 : DECISION ON PETITION
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. UNI1773-007 : 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 18, 2005.

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

A review of the file record indicates that the power of attorney to Stephen Grant, along with all of the other attorneys associated with Customer No. **08698**, has been revoked by the assignee of the patent application on December 9, 2005. 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/assignee or the current attorneys of record.

Telephone inquires concerning this decision should be directed to Karen Creasy at 571-272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

cc:

GREENBERG TRAURIG, LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

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JUL 27 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

In re Application of
Joachim Naimer, et al.
Serial No.: 10/679,976
Filed: October 7, 2003
For: **TCAS VSI DISPLAY**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition pursuant to 37 C.F.R. § 1.84(a)(2), filed October 15, 2003, requesting acceptance of color drawings.

The petition requests that the color drawings/photographs, noted as Figures 1, 2, and 3 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) set 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."

A review of the file record reveals that applicant has provided three sets of color drawings, filed simultaneously with the subject petition and the required amendment to the specification.

Petitioner has satisfied the requirements of 37 C.F.R. §1.84(a)(2). Accordingly, the petition is **GRANTED**.

The application file will be forwarded to the examiner for action in appropriate turn.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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OFFICE OF PETITIONS

In re Application of :
William R. Dunn, Keuk-Sang Kwon and:
Hyoung Yol Park : DECISION REFUSING STATUS
Application No. 10/679,977 : UNDER 37 CFR 1.47(a)
Filed: October 10, 2003 :
For: FLAT PANEL DISPLAY HAVING AN ISOLATED EMI LAYER AND INTEGRAL HEATER AND THERMAL SENSORS

This is in response to the "Petition Under 37 CFR 1.47(a)," filed July 2, 2004 (Certificate of Mailing Date: June 30, 2004). The petition was recently forwarded to this office.

The petition is dismissed.

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 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 October 10, 2003 without an executed oath or declaration and naming William R. Dunn, Keuk-Sang Kwon and Hyoung Yol Park as joint inventors.

Accordingly, on December 31, 2003, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on July 2, 2004 (Certificate of Mailing Date: June 30, 2004), the instant petition and a four (4) month extension of time were filed.

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) and (2), as set forth above.

As to item (1), applicant states that the non-signing inventors were only presented with "a Declaration, individual Powers of Attorney, and an Assignment." Unless the non-signing inventors were presented with a copy of the application papers (specification, claims and drawings), the non-signing inventors could not attest that they have "reviewed and understand the application papers" and therefore could not sign the declaration which they were given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventors have refused to sign the declaration. See MPEP 409.03(d). Applicant should show that a copy of the application papers (specification, claims and drawings) was presented to the non-signing inventors, but that they did not respond to, or refused, the request that they sign the oath/declaration in order to show that the inventors have refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted July 2, 2004 does not contain the signature blocks of the either non-signing inventor. As such, the declaration does not set forth the residence, citizenship and mailing address of non-signing inventors. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by William Dunn on behalf of himself and the non-signing inventors is REQUIRED. See MPEP 409.03(a).

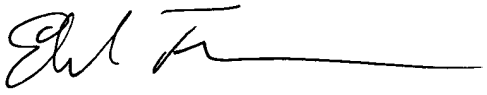
Further correspondence with respect to this matter should be addressed as follows:

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
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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FEB 18 2005

OFFICE OF PETITIONS

In re Application of :
William R. Dunn, Keuk-Sang :
Kwon and Hyoung Yol Park : DECISION GRANTING PETITION
Application No. 10/679,977 : UNDER 37 CFR 1.47(a)
Filed: October 7, 2003 :
For: FLAT PANEL DISPLAY HAVING AN ISOLATED EMI LAYER AND INTEGRAL HEATER AND THERMAL SENSORS

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed January 21, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventors have 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2800 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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FEB 18 2005

OFFICE OF PETITIONS

HYOUNG-YOL PARK
JUNWON APT 101-1109, BISAN DONG
KUMI-CITY, KYUNGBUK
REPUBLIC OF KOREA

In re Application of
William R. Dunn, Keuk-Sang Kwon and Hyoung Yol Park
Application No. 10/679,977
Filed: October 7, 2003
For: FLAT PANEL DISPLAY HAVING AN ISOLATED EMI LAYER AND INTEGRAL HEATER AND THERMAL SENSORS

Dear HYOUNG-YOL 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 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)272-3228. 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).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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KEUK-SANG KWON
#111-205 WOOBANGSINCHEONJI TOWN, SEOKJEOK-MYUN
CHILGOK-GUN, KYONGSANGBUK-DO
REPUBLIC OF KOREA

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FEB 18 2005

OFFICE OF PETITIONS

In re Application of
William R. Dunn, Keuk-Sang Kwon and Hyoung Yol Park
Application No. 10/679,977
Filed: October 7, 2003
For: FLAT PANEL DISPLAY HAVING AN ISOLATED EMI LAYER AND INTEGRAL HEATER AND THERMAL SENSORS

Dear KEUK-SANG KWON:

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)272-3228. 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).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
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MAY 18 2006
OFFICE OF PETITIONS

In re Application of	:	
Dunn et al.	:	DECISION ON PETITION
Application No. 10/679,977	:	TO WITHDRAW
Filed: October 7, 2003	:	FROM RECORD
Attorney Docket No. UN11773-012	:	

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 9, 2005, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **APPROVED**.

A review of the file record indicates that Stephen L. Grant and the attorneys associated with Customer Number 08698: (1) do not have power of attorney in this patent application; but (2) has been employed or otherwise engaged in the proceedings in this patent application. The attorneys/agents associated with Customer Number 08698 may not act in a representative capacity under 37 C.F.R. § 1.34 unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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 applicants.

The application became abandoned for failure to timely and properly respond to the Office action mailed October 4, 2005.

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:

WILLIAM R. DUNN
4445 BURGESS HILL LANE
ALPHARETTA, GA 30022

GREENBERG TRAURIG LLP
2450 COLORADO AVE, STE 400E
SANTA MONICA, CA 90404

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SEP 17 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

In re Application of
Ebbe Altberg, et al.
Application No. 10/679,982
Filed: October 6, 2003
For: **METHOD AND APPARATUS TO PROVIDE PAY-PER-CALL PERFORMANCE BASED ADVERTISING**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed July 19, 2004 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

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Jonathan A. Jaech
O'Melveny & Myers LLP
400 So. Hope Street
Los Angeles, CA 90071-2899

MAILED

APR 13 2004

Director's Office
Group 3700

In re application of
Parsa Komad

Serial Number: 10/679993
Filed: October 10, 2003

DECISION ON PETITION UNDER 37 CFR. 1.102(c)

For: **SYSTEM AND METHOD FOR CONDITIONING OF INTAKE AIR FOR AN INTERNAL COMBUSTION ENGINE**

This is a decision on the petition filed on October 10, 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
(703) 308-0975

rt: 4/12/04

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

COPY MAILED

MAY 20 2008

In re Application of :
Kaplan :
Application No. 10/680,006 : DECISION
Filing Date: 7 October, 2003 :
Attorney Docket No.: 282736US8X :

This is a decision on the petition filed on 19 December, 2007, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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.

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

It appears that Petitioner has satisfied the requirements of the regulation, as set forth below:

BACKGROUND

The record reflects that:

Applicant failed to reply timely and properly to the non-final Office action mailed on 23 February, 2007, with reply due absent an extension of time on or before 23 May, 2007.

The instant application went abandoned by operation of law after midnight 23 May, 2007m.

The Office mailed a Notice of Abandonment on 19 October, 2007.

On 19 December, 2007, Petitioner filed the instant petition (with fee) with averment of unintentional delay under 37 C.F.R. §1.137(b) (indicating that papers erroneously had been misfiled into another application), and included therewith, *inter alia*, 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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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).

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.[2],[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). See specifically, the regulations at 37 C.F.R. §10.18.

[2] 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).

[3] 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. (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.) Delays in responding properly raise the question whether delays are unavoidable. 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) And the Petitioner must be diligent in attending to the matter. 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.))

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Technology Center/AU 2624 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Technology Center/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Technology Center/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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

Mail Date: 04/21/2010

Applicant	: Michael Furst	: DECISION ON REQUEST FOR
Patent Number	: 7618700	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,012	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN. 55458-1415

Applicant: Eugene P. Marsh
Appl. No.: 10/680,038
Filing Date: October 7, 2003
Title: DEVICES CONTAINING ZIRCONIUM-PLATINUM-CONTAINING MATERIALS AND METHODS FOR PREPARING SUCH MATERIALS AND DEVICES
Attorney Docket No.: 150.01160102
Pub. No.: US 2004/0067642 A1
Pub. Date: April 8, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on May 5, 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)

Shelly Kittman, For
Mark O. Polutta
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

Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Warner Cockerille	: DECISION ON REQUEST FOR
Patent Number	: 7581256	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,041	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1165** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 26 2004

Paper No. 102004

PIPER RUDNICK LLP
203 NORTH LASALLE AVENUE
SUITE 1800
CHICAGO, IL 60601-1293

In re Application of:
ERIC EVA CANDELA et al.
Serial No.: 10/680,048
Filed: October 7, 2003
Attorney Docket No.: **310035-000001**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed September 24, 2004.

The request is **DISMISSED** as moot.

A review of the application file record reveals a proper revocation and power of attorney to the attorneys of Daspin & Aument, LLP was filed on June 24, 2004. As such, the power of attorney for the attorneys and agents requesting withdrawal has already been revoked. Accordingly, the present request is moot, and must be dismissed.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: DASPIN & AUMENT, LLP
210 WEST 22ND STREET, SUITE 102
OAK BROOK, IL 60523

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID POWSNER
NUTTER, MCCLENNEN & FISH, LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

MAILED
NOV 19 2004
Technology Center 2100

In re Application of: Greenblatt, et al.
Application No. 10/680,049
Filed: October 7, 2003
For: METHODS AND APPARATUS FOR IDENTIFYING RELATED NODES IN A DIRECTED GRAPH HAVING NAMED ARCS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed September 30, 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.**

The petition filed September 30, 2004 fails to adequately meet requirements (c) and (e) of the criteria set forth above. With respect to requirement (c), The petition fails to provide a listing of the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. Absent such a listing, the pre-examination text search **must be directed to the invention as claimed in the application for which special status is requested [emphasis added].** Specifically, the pre-examination text search submitted with the instant petition appears to be directed to the following search terms: "rdf"; "related nodes"; "similar nodes", etc. (page 2 of instant petition), which do not appear to comprise the claimed invention. With respect to requirement (e), a complete detailed discussion of the (most closely related) references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). In addition, 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. Finally, it is noted that the instant petition was filed on September 30, 2004 after the instant application had received a first Office action on the merits (mailed August 26, 2004), see M.P.E.P. §708.02.

Accordingly, the Petition to Make Special is **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. Extensions of time under 37 CFR 1.136(a) are permitted by a declaration or statement providing the information as outlined above.

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.

11/8/04

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

BLJ: 11/08/04

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SUITE 230
PLANO TX 75074

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DEC 11 2006

OFFICE OF PETITIONS

In re Application of
Grigsby et al
Application No. 10/680,053
Filed: October 7, 2003
Title: Gravel Pack Completion with Fluid Loss Control Fiber Optic Wet Connect

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed November 1, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned May 11, 2006 for failure to timely reply to the Rule 37 CFR 103 Request for Information mailed on March 10, 2006. The Request for Information set a two (2) month extendable time period for reply. A Notice of Abandonment was mailed October 12, 2006.

Petitioner asserts that a reply to the Request for Information was timely submitted on May 9, 2006 (certificate of mailing May 3, 2006). As evidence, petitioner has submitted a copy of the reply. The reply also contains a certificate of mailing dated May 3, 2006 pursuant to 37 CFR 1.8.

The response submitted on May 9, 2006 has been located in the Office.

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

The application file is being forwarded to Art Unit 3672 for further review of the reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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)
6,960,746	2005-11-01	10/680,056	2003-10-06	18906-M037

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	/Justin King/	Date (YYYY-MM-DD)	2010-03-25
Name	Justin King	Registration Number	50464

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

In re Patent No. 6960746
Issue Date: November 1,2005
Application No. 10680056
Filed: October 6,2003
Attorney Docket No. 13972 B

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 25,2010 ,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 March 25,2010 . 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

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MAY 18 2004

OFFICE OF PETITIONS

In re Application of :
Shia Chung Chen :
Application No. 10/680,057 : DECISION GRANTING PETITION
Filed: October 6, 2003 :
Attorney Docket No. 1397 B :

This is a decision on the petition filed April 1, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 6, 2003, with figure 10 of the drawings as part of the original disclosure.

On October 6, 2003, the above-identified application was filed. On March 9, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of a Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 6, 2003 however, figure 10 of the drawings appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on April 1, 2004, applicants filed the present petition, a copy of figure 10, and a postcard receipt date-stamped by the Office

Upon review of the record, figure 10 of the drawings was not located among the application papers. The evidence is convincing that the application papers deposited October 6, 2003, included ten sheets of drawings that included figure 10. Therefore, the application, including figure 10 of the drawings, was complete on filing and entitled to the presently accorded filing date of October 6, 2003.

Accordingly, the petition is granted. The petition fee of $130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 6, 2003, using the ten (10) sheets of drawings filed October 6, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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)
6,919,545	2005-07-19	10/680,057	2003-10-06	18906-M038

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	/Justin King/	Date (YYYY-MM-DD)	2010-03-25
Name	Justin King	Registration Number	50464

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.**

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether 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.

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

In re Patent No. 6919545
Issue Date: July 19,2005
Application No. 10680057
Filed: October 6,2003
Attorney Docket No. 13971 B

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 25,2010 ,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 March 25,2010 . 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

McDonnell Boehnen
Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago IL 60606

COPY MAILED

MAY 15 2008

OFFICE OF PETITIONS

In re Application of :
Gocke et al. :
Application No. 10/680,060 : LETTER REGARDING
Filed: October 7, 2003 : PATENT TERM ADJUSTMENT
Attorney Docket No. 97,078-P :

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)" filed December 12, 2007. Pursuant to their duty of good faith and candor to the Office, applicants disclose that the proper number of days of patent term adjustment as indicated on the determination of patent term adjustment should be corrected from five hundred forty-one (541) days to five hundred twenty-seven (527) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is four hundred one **(401)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 15, 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 to date is 541 days. Applicants state they should have been charged with 14 days of delay for taking in excess of three months, until August 15, 2007, to file a response to the Office action mailed May 1, 2007.

Applicants are correct. Pursuant to 37 CFR 1.704(b), a period of reduction of 14 days should have been entered for this applicant delay.

Moreover, a review of the application history reveals further applicant delay. 37 CFR 1.704(c)(8) establishes submission of a supplemental reply or other paper after a reply has been filed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. After the filing of the reply on August 15, 2007, on August 21, 2007, applicants filed an information disclosure statement (IDS). This IDS was not expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Further, the IDS did not include a 1.704(d) statement such that its submission would not constitute a failure to engage. Pursuant to 37 CFR 1.704(c)(8), a period of reduction of 6 days is being entered, counting the number of days in the period beginning on the day after the date the initial reply was filed, August 16, 2007 and ending on the date that the other paper, the IDS, was filed, August 21, 2007.

Moreover, 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. 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, a reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (PTO-1661)

mailed July 21, 2004 was filed on September 23, 2004. Thereafter, further Notices were mailed on October 18, 2004, November 16, 2004, and January 5, 2005 indicating that applicants' responses to the Notice to Comply contained omissions. Not until January 21, 2005 was a reply filed correcting the omissions. Accordingly, a period of reduction of 120 days is being entered for the period beginning on the day after the date the reply having an omission was filed, September 24, 2004 and ending on the date that the reply correcting the omission was filed, January 21, 2005.

In view thereof, it is concluded that the determination of PTA at the time of the mailing of the notice of allowance is FOUR HUNDRED ONE (401) days (541 days of Office delay reduced by 120 + 14 + 6 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of the application. 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 and to the extent the period has not been consumed by the filing of requests for continued examination).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 10/680060			
Application Filing Date:	10/07/2003	PTO Delay (PTO):	541
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	401
PTO Delay Adjustment:	-140		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
102	05/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		120	
101	05/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
100	05/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		14	
92	11/15/2007	MAIL NOTICE OF ALLOWANCE			
91	11/09/2007	ISSUE REVISION COMPLETED			
90	11/09/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
89	11/01/2007	PARALEGAL TD ACCEPTED			
87	10/31/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
86	10/31/2007	DOCUMENT VERIFICATION			
85	10/22/2007	TERMINAL DISCLAIMER FILED		0	82
84	10/29/2007	NOTICE OF ALLOWABILITY			
83	10/27/2007	DATE FORWARDED TO EXAMINER			
82	10/22/2007	RESPONSE AFTER NON-FINAL ACTION			
81	09/06/2007	MAIL NON-FINAL REJECTION			
80	09/04/2007	NON-FINAL REJECTION			
79	08/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
78	08/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
77	05/22/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
76	08/21/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
75	08/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	08/20/2007	PARALEGAL TD ACCEPTED			

73	08/15/2007	TERMINAL DISCLAIMER FILED			
72	08/15/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
71	08/17/2007	DATE FORWARDED TO EXAMINER			
70	08/15/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
69	08/17/2007	DATE FORWARDED TO EXAMINER			
68	08/15/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
67	08/17/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
66	08/15/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
65	08/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
64	08/15/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
63	05/22/2007	REFERENCE CAPTURE ON IDS			
62	05/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
61	05/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
60	05/01/2007	MAIL FINAL REJECTION (PTOL - 326)			
59	04/30/2007	FINAL REJECTION			
58	02/23/2007	DATE FORWARDED TO EXAMINER			
57	02/14/2007	RESPONSE AFTER NON-FINAL ACTION			
56	11/14/2006	MAIL NON-FINAL REJECTION			
55	11/13/2006	NON-FINAL REJECTION			
54	09/08/2006	DATE FORWARDED TO EXAMINER			
53	09/01/2006	RESPONSE AFTER NON-FINAL ACTION			
52	06/01/2006	MAIL NON-FINAL REJECTION	541		-1
51	05/30/2006	NON-FINAL REJECTION			
49	02/17/2005	APPLICATION RETURN FROM OIPE			
48	02/17/2005	APPLICATION RETURN TO OIPE			
47	02/17/2005	APPLICATION RETURN FROM OIPE			
46	02/18/2005	APPLICATION IS NOW COMPLETE			
45	02/17/2005	APPLICATION RETURN TO OIPE			
44	02/17/2005	APPLICATION RETURN FROM OIPE			
43	02/17/2005	APPLICATION IS NOW COMPLETE			
42	01/21/2005	ADDITIONAL APPLICATION FILING FEES			

41	01/21/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
40	02/08/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
39	01/21/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
38	01/21/2005	WORKFLOW INCOMING AMENDMENT IFW			
37	01/05/2005	SEQUENCE ERRORS			
36	12/13/2004	ADDITIONAL APPLICATION FILING FEES			
35	12/13/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
34	12/23/2004	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
33	11/16/2004	SEQUENCE ERRORS			
32	09/21/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
31	10/29/2004	ADDITIONAL APPLICATION FILING FEES			
30	10/29/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
29	10/29/2004	PRELIMINARY AMENDMENT			
28	11/08/2004	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
27	10/29/2004	WORKFLOW INCOMING AMENDMENT IFW			
26	10/18/2004	SEQUENCE ERRORS			
25	09/21/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
24	09/21/2004	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
23	09/30/2004	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
21	10/07/2003	ADDITIONAL APPLICATION FILING FEES			
20	10/07/2003	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
19	01/23/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
18	07/20/2004	APPLICATION RETURN TO OIPE			
17	06/22/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	06/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	06/07/2004	CASE DOCKETED TO EXAMINER IN GAU			

14	10/07/2003	PRELIMINARY AMENDMENT			
13	01/22/2004	APPLICATION RETURN FROM OIPE			
12	01/23/2004	APPLICATION IS NOW COMPLETE			
11	01/22/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
10	01/22/2004	APPLICATION RETURN TO OIPE			
9	01/22/2004	APPLICATION RETURN FROM OIPE			
8	01/22/2004	APPLICATION RETURN TO OIPE			
7	01/21/2004	APPLICATION DISPATCHED FROM OIPE			
6	01/22/2004	APPLICATION IS NOW COMPLETE			
5	12/31/2003	CLEARED BY L&R (LARS)			
4	12/22/2003	CASE CLASSIFIED BY OIPE			
3	12/22/2003	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	12/07/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/07/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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RALEIGH NC 27627

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Kathryn R. Nightingale :
Application No. 10/680,073 :
Filed: October 6, 2003 :
Attorney Docket No. 5405-293 :

This is a decision on the petition under 37 CFR 1.10©) filed January 20, 2004, requesting that the above-identified application be accorded a filing date of October 6, 2003.

Petitioner alleges that the application was deposited in Express Mail service on October 6, 2003. In support, on January 20, 2004, petitioner supplied a copy of Express Mail receipt No. EV353592440US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is blank but the USPS post mark is October 6, 2003.

A review of the Office PALM records also reveals that this application was previously accorded a filing date of October 6, 2003. Therefore, the present petition is unnecessary and will be **DISMISSED** as involving moot issues.

A corrected Filing Receipt is enclosed for petitioner's convenience.

The application is being forwarded Technology Center 3737 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Attachment: Corrected Filing Receipt

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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

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AUG 2 8 2006
OFFICE OF PETITIONS

In re Application of	:	
Rabenstein et al.	:	DECISION ON PETITION TO
Application No. 10/680,083	:	WITHDRAW HOLDING OF
Filed: 6 October, 2003	:	ABANDONMENT
Atty Docket No. 407T-891101US	:	

This is a decision on the petition to withdraw the holding of abandonment, filed on 21 June, 2006.

The petition is **GRANTED**.

The application was held abandoned for failure to timely and properly respond to the non-final Office action mailed on 28 November, 2005, which set a three (3) month shortened statutory period of time for reply. Notice of Abandonment was mailed on 31 March, 2006.

Petitioners assert that a reply to the non-final Office action was timely filed. In support, petitioners have supplied a copy of a transmittal letter itemizing the filing of a an amendment in response and a three (3) month extension of time request, each of which contains a Certificate of Mailing or Transmission dated 30 May, 2006, stating that the correspondence was deposited in first class mail, and signed by Chianti Appling.

A review of the official file reveals that an amendment and request for a three (3) month extension of time and fee therefor were received on 2 June, 2006. The response and extension of time each contain a Certificate of Mailing dated 30 May, 2006.[1]

As petitioners have provided convincing evidence that a reply and extension of time was transmitted to the USPTO on 30 May, 2006, the showing of record is that a response was timely filed, and

[1] Since 28 May, 2006, was a Sunday, and 29 May, 2006, was a federal holiday, the response filed with a certificate of mailing dated 30 May, 2006, was timely filed. See 37 CFR 1.7(a).

there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 1654 for further processing.

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

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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MAR 20 2008

OFFICE OF PETITIONS

In re Application of :

GONG, et al. :
Application No. 10/680,084 : DECISION ON PETITION
Filed: October 6, 2003 : TO WITHDRAW
Attorney Docket No. 327823-1100 : 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 17, 2007

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Tianjun Hou on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed October 25, 2007 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: XIONG GONG
785 CAMINO DEL SUR, #32
GOLETA, CA 93117

cc: DR. GLADYS MONROY
MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

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OFFICE OF PETITIONS

In re Application of :
Chun-Chi Liao :
Application No. 10/680,095 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. MR1115-481 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 29, 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 Corrected Application Papers mailed June 7, 2004. 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 August 9, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : October 04,2007

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/680,138 Patent No.: 7256170 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

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: The changes apply except for the correction in column 36: Line 24. This correction should indicate that the correction is in "claim 21" and not "claim 19."

SPE 1797
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Tom Teng	: DECISION ON REQUEST FOR
Patent Number	: 7634597	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,171	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **742** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 16, 2010

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 10680198
Patent No.: 7196132

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 – 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. Wu — **SPE**

1796 — **Art Unit**

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In re Application of	:	
Satoru Adachi, et al.	:	
Application No. 10/680,205	:	DECISION GRANTING PETITION
Filed: October 8, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9683/261	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 27, 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 August 14, 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 2624 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

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

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:

Claims 1-17 from original patent number 6,371,793 must be included (in unitalicized form) in the reissue patent. That means that claims 1-8 in 6,799,989 must be renumbered as claims 18-25 (in addition to being italicized). Also, the Applicant failed to use a copy of the original patent in double column format as the specification for the reissue application that issued as 6,799,989. There are some variations in text between the spec of 6,799,989 and the spec of the original patent. For example, a comparison of column 1 of original patent number 6,371,793 and column 1 of 6,799,989 reveals that the Applicant changed subtitles. "TECHNICAL FIELD" at the top of column 1 of the original patent was deleted from the reissue 6,799,989; "BACKGROUND OF THE INVENTION" begins a different paragraph in the reissue; and "Field of the Invention" and "Description of Related Art" was added to the reissue in column 1. Those changes must be requested in the C of C request to be shown by bracketing and underlining.

T. C. Patel, SPE 2839

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 4/11/2009
Patent No. : 6,799,989 B2
Serial No. : 10/680,218
Inventor(s) : Doorby et al.
Issue Date : October 5, 2004
Title : **LOW CROSSTALK MODULAR COMMUNICATION CONNECTOR**
Doc./File No. : **106427.98**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged errors in your request, your request has been denied by the examiner as shown on the attached sheet (PTOL-306 Spe Response).

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

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

ECW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JAN 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Hattori and Asada :
Application No. 10/680,254 :
Filed: October 8, 2003 :
Attorney Docket No. IID-0211 :

DECISION GRANTING PETITION

This is a decision on the petition filed October 14, 2004, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed January 8, 2004.

The petition is **granted**.

On October 8, 2003, the application was deposited without drawings. The record further reflects on November 19, 2003, applicant filed drawings and a preliminary amendment requesting entry of the drawings and amendment of the specification. On January 8, 2004, a "Notice of Incomplete Nonprovisional Application" was mailed indicating that a filing date had not been accorded the application because drawings were not found with the application papers, but appeared to be required. The application was also accorded a filing date of November 19, 2003—the date the preliminary amendment and drawings were filed.

Applicant then filed the instant petition on October 14, 2004, and argued that the notice was issued in error because drawings were not required for the understanding of the invention because the specification contains at least one process composition claim. Applicant further maintains that the preliminary amendment and drawings filed November 19, 2003, were not filed to fulfill the filing date requirements as drawings were not required to obtain the filing date, but only to expedite examination of the application.

In this case, however, it has been determined that drawings were not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice 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). A review of the record reveals that Claims 1 is a process composition claim. Therefore, the present application is deemed to be an application that did not require drawings for an understanding of the invention. Accordingly, the application, as filed, was entitled to the filing date of October 8, 2003. The "Notice of Incomplete Nonprovisional Application" is vacated, accordingly.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 8, 2003, and for issuance of a corrected filing receipt. Thereafter, the application will be forwarded to Technology Center 1700, GAU 1714 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE
SUITE 1404
FALLS CHURCH, VA 22041

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OCT 25 2007

OFFICE OF PETITIONS

In re Application of :
Chin-Ping Li :
Application No. 10/680,258 : DECISION ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. :
BHT-3217-138

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 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 9, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on September 12, 2006 (September 9, 2006, was a Saturday). A Notice of Abandonment was mailed on January 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of June 9, 2006 is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has

not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to Technology Center AU 2627 for appropriate action in the normal course of business on the reply received March 14, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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JUN - 3 2004

NATHANIEL TUE TRAN
3205 ASPEN GROVE
IRVINE CA 92618

In re Application of
Nathaniel Tue Tran.
Serial No.: 10/680,277
Filed: October 7, 2003
Attorney Docket No.:

: PETITION TO MAKE SPECIAL

This is in response to applicant's petition filed May 11, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant requests special status based on the invention relating to HIV/AIDS or Cancer. It is noted that none of the claims are directed to HIV/AIDS or Cancer diagnosis, treatment or prevention and that a cursory review of the specification does not show more than a general reference to any of these conditions or diseases, their diagnosis, treatment or prevention. The reasons for according special status on this basis are insufficient to justify special status.

Applicant also requests special status based on countering terrorism. That means the prevention or deterrence of terrorist acts (such as detecting explosives, security system disablement, etc.), not treatment of victims of terrorist attacks. Applicants claims and specification provide no guidance as to how such attacks could be deterred or prevented.

Applicant has not satisfied the provisions set forth in M.P.E.P. 708.02, X or XI. Therefor the petition is **DISMISSED**. Any request for reconsideration of this decision must be made within TWO MONTHS of the mail date thereof and must point out the errors thereof or provide adequate support for the special status claims made.

The application will be acted on in turn.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 703-872-9306.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 18 2005

NATHANIEL TUE TRAN
3205 ASPEN GROVE
IRVINE CA 92618

In re Application of
Nathaniel Tue Tran.
Serial No.: 10/680,277
Filed: October 7, 2003
Attorney Docket No.:

: PETITION TO MAKE SPECIAL

This is in response to applicant's renewed petition filed June 29, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d). The delay in acting on this petition is regretted, however it was not forwarded for consideration until recently.

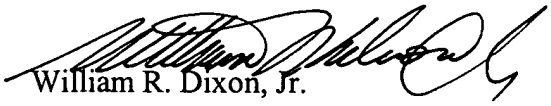
Applicant requested special status based on the invention relating to HIV/AIDS or Cancer in the previous petition. It was noted then that none of the claims were directed to HIV/AIDS or cancer diagnosis, treatment or prevention and that a review of the specification did not show more than a general reference to any of these conditions or diseases, their diagnosis, treatment or prevention and special status was not granted. Applicant presents additional arguments that rely on examples in the specification. However, it is not the specification disclosure that must be relied on for making an application special, but that which is claimed. Applicant's claims generally include the material applicant references in the specification, however, no claim to cancer diagnosis, treatment or prevention is claimed, only a means of labeling a molecule, which may be a protein, and then determining what was labeled.

Applicant also requested special status based on countering terrorism. That is generally considered to mean the prevention or deterrence of terrorist acts (such as detecting explosives, security system disablement, etc.), not treatment of victims of terrorist attacks. Applicant argues that the method claimed can be used to detect the difference between biological warfare agents and common pathogens. However no claim is made to this nor is any particular guidance given in the specification as to how this can be accomplished.

Applicants arguments still do not satisfy the provisions set forth in M.P.E.P. 708.02, X or XI. Therefor the petition is **DENIED**.

It is noted that prosecution of the application has commenced.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 703-872-9306.



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

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6780

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NOV 0 1 2004

OFFICE OF PETITIONS

In re Application of	:
Kasid et al.	: DECISION DISMISSING
Application No. 10/680,313	: PETITION AS MOOT
Filed: 6 October, 2003	:
Attorney Docket No. 224384	:

This is a decision on the paper styled as a petition under 37 CFR 1.10, filed on 30 April, 2004, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 6 October, 2003.

Petitioners allege that the application was deposited in Express Mail service on 6 October, 2003. In support, on 30 April, 2004, petitioners supplied a copy of Express Mail receipt No. EV336875812US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file), showing a "date-in" of "10-6-03"

A review of the Office PALM records reveals that this application was previously accorded a filing date of 6 October, 2003. Therefore, the present petition is unnecessary and will be dismissed as moot.

A corrected Filing Receipt is enclosed for petitioners' records.

It is noted that petitioners submitted a petition fee of $130.00 on 30 April, 2004. Said petition fee is unnecessary, and a review of PALM records indicates that the fee has been refunded. If the fee has not been refunded, petitioners should contact the Office of Finance, ATTN: Refund Section, to request a refund. A copy of this decision should accompany petitioners' request.

The application is being referred to Technology Center 1600 for examination in due course with the presently accorded filing date of 6 October, 2003.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt

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JJGJR: 07-04

Paper No: __

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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JUL 1 4 2004

OFFICE OF PETITIONS

In re Application of
Achilefu, et al.
Application No. 10/680,338
Filed: 7 October, 2003
Attorney Docket No. MRD-59CP

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 19 April, 2004

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 7 October, 2003, without, *inter alia*, a fully executed oath or declaration; and

- on 5 January, 2004, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before Friday, 5 March, 2004;

- on 19 April, 2004, Petitioner filed, *inter alia*, a request and fee for a two- (2-) month extension of time, an oath/declaration signed by named inventors Periasamy, Bugaj, Dorshow and Rajagopalaj, but without the signature of alleged inventor Samuel Achilefu (r. Achilefu), a petition under 37 C.F.R. §1.47, and narratives by Petitioner Beverly A. Lyman (Reg. No. 41,961), Anthony R. Kinney (Reg. No. 44,834), and Tammy Torres and narrative of events, however, there was no document evidencing transmittal of the entire application to Mr. Achilefu, and a telephone inquiry to the Petitioner on 13 July, 2004, confirmed that there may not have been transmittal of the entire application to Mr. Achilefu.

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, a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application--and evidence of that transmittal submitted.

And a reasonable effort must be made to ascertain a current or last known address.

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

The materials submitted thus far do not clearly evidence that the entire application was sent to the alleged non-signing inventor. Petitioner should submit a copy of the transmittal letter as to the former and a copy of the appointment document as to the latter.

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

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

By mail: (Effective 1 May, 2003)[2]
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

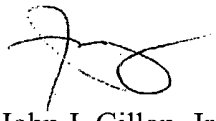
---

[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 703-305-9199.



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 01-06

Paper No: __

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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JAN 30 2006

OFFICE OF PETITIONS

In re Application of
Achilefu, et al.
Application No. 10/680,338
Filed: 7 October, 2003
Attorney Docket No. MRD-59CP

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 12 August, 2004, but not received into the Office of Petitions until this writing.

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 7 October, 2003, without, *inter alia*, a fully executed oath or declaration; and
- on 5 January, 2004, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before Friday, 5 March, 2004;
- on 19 April, 2004, Petitioner filed, *inter alia*, a request and fee for a two- (2-) month extension of time, an oath/declaration signed by named inventors Periasamy, Bugaj, Dorshow

and Rajagopalaj on behalf of themselves and the non-signing inventor Samuel Achilefu (r. Achilefu), a petition under 37 C.F.R. §1.47, and narratives by Petitioner Beverly A. Lyman (Reg. No. 41,961), Anthony R. Kinney (Reg. No. 44,834), and Tammy Torres and narrative of events, however, there was no document evidencing transmittal of the entire application to Mr. Achilefu, and a telephone inquiry to the Petitioner on 13 July, 2004, confirmed that there may not have been transmittal of the entire application to Mr. Achilefu–for these reasons, the petition was dismissed on 17 July, 2004;

- the instant petition, which includes, *inter alia*, correspondence evidencing the transmittal of the entire application to the non-signing inventor Mr. Achilefu, addresses the former deficiencies.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

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 released to the OIPE for further processing before being forwarded for substantive 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

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JJGJR.: 01-06

Paper No: __

SAMUEL ACHILEFU, PH.D.
3424 SAN SEVILLE COURT
ST. LOUIS, MO 63044

COPY MAILED
JAN 30 2006
OFFICE OF PETITIONS

In re Application of
Achilefu, et al.
Application No. 10/680,338
Filed: 7 October, 2003
Attorney Docket No. MRD-59CP

COMMUNICATION

Dear Samuel Achilefu, Ph.D.:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 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.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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 C.F.R. §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 C.F.R. §1.63.

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 toll-free: (800) 972-6382 (outside the Washington D.C. area).

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

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

Counsel of Record:
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
Joerg BISCHOF et al.	:	
Application No. 10/680,350	:	DECISION ON PETITION
Filed: October 06, 2003	:	
Attorney Docket No. 6570P004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 27, 2007, which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 30, 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 $1540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of July 27, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 2192 for appropriate action on the concurrently filed amendment.

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
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Paper No.

PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of :
Ishii et al. : DECISION ON PETITION
Application No. 10/680,356 :
Filed: October 6, 2003 :
Atty Docket No. 58600-8229.US00 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed October 9, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed September 14, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective December 15, 2006. A courtesy Notice of Abandonment was mailed on August 8, 2007.

In response, applicant timely filed the instant petition. Applicant petitions the Office to withdraw the holding of abandonment based on a response timely filed on December 14, 2006. In support of this petition applicants submit a copy of their acknowledgment receipt of the December 14, 2006 response and a copy of the response and the accompanying IDS and PTO-1449.

Although it appears persuasive, consideration of petitioner's evidence is unnecessary. The response is present in the application with a date of receipt of December 14, 2006.

Accordingly, the Notice of Abandonment mailed August 8, 2007 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1633 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response timely filed on December 14, 2006 (and resubmitted on petition filed October 9, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIKOLAI & NERSEREAU P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

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JUL 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Pavel V. Korchagin et al :
Application No. 10/680,369 : DECISION GRANTING PETITION
Filed: October 7, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 20030252.ORI :

This is a decision on the petition, filed July 13, 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 May 7, 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 April 7, 2004 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 306-5685.

This matter is being referred to Technology Center Art Unit 3652 for examination in due course.

Wan Laymon

Wan Laymon
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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

MAR 16 2005

Director's Office
Group 3700

In re application of
Kohci Oikawa

Serial Number: 10/680394
Filed: October 08, 2003

NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR. 1.313

For: **FERROELECTRIC MEMORY DEVICE HAVING FERROELECTRIC CAPACITOR AND METHOD OF READING OUT DATA THEREFROM**

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CRF 1.313.

The application is being withdrawn from issue because the allowance mailed on December 16, 2004 was issued in error.

Patent and Trademark Office 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.

/Richard A. Bertsch/

Richard A. Bertsch, Director
Technology Center 3700
(571) 272-3750

rt/ 3-16-05

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1940 DUKE STREET
ALEXANDRIA VA 22314

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JUL 0 5 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kohei Oikawa et al :
Application No. 10/680,394 :
Filed: October 8, 2003 :
Attorney Docket No. 243734US2S :

This is a decision on the petition, filed July 1, 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 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 3742 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

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United States Patent and Trademark Office
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SEP 16 2004

TECHNOLOGY CENTER 2100

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of:
Steven E. ZIMLIN, et al.
Application No. 10/680,406
Filed: October 8, 2003
For: METHOD AND APPARATUS OF PACKAGING DISK DRIVES IN A DATA STORAGE SYSTEM

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

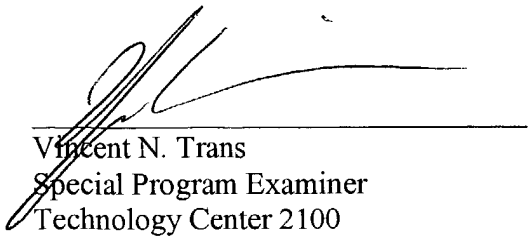
This is a decision on the Request to Withdraw from Representation filed September 1, 2004.

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.

BEST AVAILABLE COPY



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

cc: Charlie Kulas
Carpenter and Kulas, LLP
1900 Embarcadero Road, Suite 109
Palo Alto, CA 94303

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Wilmer Cutler Pickering Hale and Dorr LLP
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004

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NOV 05 2004

OFFICE OF PETITIONS

In re Application of
Lark et al.
Application No. 10/680,407
Filed: October 8, 2003
Attorney Docket No. 113217.120US1
For: Method and System for Computer-Based Auctioning of Basic Generation Services

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed August 6, 2004.

On October 8, 2004, inventor David J. Salant, filed a power of attorney and requested a change in the correspondence address. Since the paper was not filed by all the inventors or a Rule 47 applicant, the paper should not have been entered but instead simply placed in the file. The Office incorrectly mailed a letter to petitioner stating that the power of attorney to attorneys associated with customer number 24395 had been revoked and that the address of record had been changed. The record has been corrected and all future correspondence will be mailed to the address above. Although a copy of this decision is being sent to the address provided by David Salant, all future correspondence will be sent only to the address of record.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

The instant petition fails to satisfy (2) and (4). The post office address should be an address where the inventor regularly receives his mail and is almost always a home address or post office address. The record fails to indicate that the inventor receives his mail at the address listed on the declaration. A new oath/declaration OR an application data sheet should be provided correcting the address.

The fee of $130 for the petition has been charged to petitioner's deposit account.

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

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

By facsimile: (703) 872-9306
Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: Gentin and Associates
2049 Maryland Street
Redwood City, CA 94061

UNITED STATES PATENT AND TRADEMARK OFFICE

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Wilmer Cutler Pickering Hale and Dorr LLP
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Lark et al.	:	DECISION ACCORDING
Application No. 10/680,407	:	STATUS UNDER
Filed: October 8, 2003	:	37 CFR 1.47(a)
Attorney Docket No. 113217.120US1	:	
For: Method and System for Computer-Based Auctioning of Basic Generation Services	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed May 4, 2005.

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.

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.

The Office of Initial Patent Examination will be informed of the instant decision.

Telephone inquiries concerning this decision 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

Commissioner for Patents
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P.O. Box 1450
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WILMER CUTLER PICKERING HALE AND DORR LLP
THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004

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JAN 2 3 2006

OFFICE OF PETITIONS

In re Application of Lark et al. :
Application No. 10/680,407 : Decision on Petition
Filing Date: October 8, 2003 :
Attorney Docket No. 113217.120US1 :

This decision is in response to the paper filed September 15, 2005, which is being treated as a petition under 37 CFR 1.182 to remove the Rule 47 status previously accorded to the application.

The petition is **granted**.

In view of the joinder of the inventor, petitioner's request for withdrawal of Rule 47 status is proper and Office records have been updated.

The petition fee of $400 has been charged to petitioner's deposit account.

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

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United States Patent and Trademark Office
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FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of :
Fred Sanford, Robert Bather, :
Martin Culverhouse, Walter : DECISION GRANTING PETITION
Sikora, Melanie Russell, Peter : UNDER 37 CFR 1.47(a)
Martin, Robert Hasselbaum, and :
Russell Barr
Application No. 10/680,411
Filed: October 8, 2003
Title: SERVICES PORTAL

This is in response to the "Petition Under 37 CFR 1.47(a)," filed June 2, 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 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 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) 306-9200.

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
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WALTER SIKORA
19 GLEN EAGLE CIRCLE
ATTLEBORO, MA 02703

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of
Fred Sanford, Robert Bather, Martin Culverhouse, Walter Sikora, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr
Application No. 10/680,411
Filed: October 8, 2003
Title: SERVICES PORTAL

Dear WALTER SIKORA:

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)306-9200. 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).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Herbert Pardo
Apt. 707
1820 Parker Rd.
Conyers, GA 30094

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JAN 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Pardo : DECISION ON PETITION
Application No. 10/680,422 :
Filed: October 6, 2003 :
For: APPARATUS FOR GENERATING :
SINE WAVES OF ELECTROMOTIVE :
FORCE, ROTARY SWITCH USING THE :
APPARATUS, AND GENERATORS USING :
THE ROTARY SWITCH :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 17, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment 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 January 17, 2005 for failure to timely submit a proper reply to the Notice mailed November 16, 2004. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed September 12, 2005.

Petitioner alleges non-receipt of the Notice mailed November 16, 2004.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement that the Office

communication was not received 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 the statement. *See*, MPEP 711.03(c). 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.

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

The instant petition is not accompanied by any evidence to support petitioner's contention of non-receipt of the Notice. Any renewed petition must include supporting documentation to establish non-receipt of the Notice.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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

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
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APR 19 2007

OFFICE OF PETITIONS

Herbert Pardo
Apt. 707
1820 Parker Rd.
Conyers GA 30094

In re Application of :
Pardo, et al. : DECISION ON PETITION
Application No. 10/680,422 :
Filed: October 6, 2003 :
For: APPARATUS FOR GENERATING :
SINE WAVES OF ELECTROMOTIVE :
FORCE, ROTARY SWITCH USING THE :
APPARATUS, AND GENERATORS USING :
THE ROTARY SWITCH :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed November 16, 2004. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed September 12, 2005.

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 C.F.R. § 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 Initial Patent Examination 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

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

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
Brown : DECISION ON PETITION
Application No. 10/680,426 :
Filed: October 8, 2003 :
Atty. Dkt. No.: BROW3007/BEU :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 9, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment 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 July 12, 2007 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed April 11, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed August 8, 2007.

The Notice required submission of corrected formal drawings. A review of the record does not reveal that corrected formal drawings were timely submitted.

Petitioners argue that corrected formal drawings were submitted on May 24, 2006 and that the drawings were believed to be compliant. Petitioners further argue that Form PTO-948 was not attached to the Notice. Petitioners further indicate that the reference in the Notice to Form PTO-948 appeared inadvertent and that corrected formal drawings were not required. Petitioners, therefore, did not reply to the Notice.

In accordance with 35 USC 133, "[u]pon 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."

Petitioners failed to submit a reply to the Notice within the statutory period of time for reply. Therefore, the application went abandoned as a matter of law on July 12, 2007. There is no indication in the record that petitioners made any effort to reply to the Notice, including the argument that the drawing requirement set forth in the Notice was inadvertent and that drawings were not required, within the statutory period of time for reply to the Notice. Failure to timely submit a reply to the Notice is not deemed grounds for withdrawal of the holding of abandonment.

Any renewed petition should be accompanied by evidence to establish that a reply to the Notice was timely submitted within the three month statutory period of time for reply.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of :
Brown : DECISION ON PETITION
Application No. 10/680,426 :
Filed: October 8, 2003 :
Atty. Dkt. No.: BROW3007/BEU :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed February 14, 2008. This is also a decision on the alternative petition to revive under 37 CFR 1.137(b).

The application became abandoned July 12, 2007 for failure to timely submit a proper reply to the Notice of Allowability (Notice) mailed April 11, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed August 8, 2007. A petition under 37 CFR 1.181 was filed October 9, 2007 and dismissed December 12, 2007.

DECISION UNDER 37 CFR 1.181

Petitioner continues to argue that corrected formal drawings were submitted on May 24, 2006 and that the drawings were believed to be compliant. Petitioner has reiterated that the reference in the Notice to Form PTO-948 appeared inadvertent and, therefore, corrected formal drawings were not required. Petitioners, acknowledge that a reply was not submitted in response to the Notice mailed April 11, 2007.

Petitioner failed to submit a reply to the Notice within the statutory period of time for reply. The application went abandoned as a matter of law on July 12, 2007. Absent evidence to establish that a reply to the Notice was timely submitted, the holding of abandonment will not be withdrawn. Petitioner's belief that the Notice contained an error is not grounds for withdrawing the holding of abandonment.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

DECISION UNDER 37 CFR 1.137(b)

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 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

Accordingly, the petition under 37 CFR 1.137(b) is hereby **GRANTED**.

This application will be forwarded to the Office of Patent Publication 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
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P.O. Box 1450
Alexandria, VA 22313-1450
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NOV - 2 2004

Rick Martin
Patent Law Offices of Rick Martin, PC
416 Coffman Street
Longmont, CO 80501

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OFFICE OF THE DIRECTOR
TC 3600

In re application of : **DECISION ON PETITION**
Andrew R. Poulter : **TO MAKE SPECIAL**
Application No. 10/680,446 : **(COUNTER TERRORISM)**
Filed: October 7, 2003
For: RUGGED TERRAIN ROBOT

This is in response to the petition filed on April 8, 2004 to make the above-identified application special on the basis of inventions for countering terrorism as set forth in MPEP § 708.02, XI.

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); and (B) a statement explaining how the invention contributes to countering terrorism.

Applicant's invention pertains to a rugged terrain robot. Applicant's petition to make special includes, *inter alia.,* a statement by applicant's attorney, Mr. Rick Martin, explaining how the invention contributes to countering terrorism. Mr. Martin states that the "robot allows hazardous material teams to safely and quickly identify dangerous products (explosives, toxic hazards and booby-traps) without exposing personnel to life threatening situations."

Since all of the requirements for special status under MPEP § 708.02 XI 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**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/rwg: 10/25/04

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Pieter Vorenkamp	: DECISION ON REQUEST FOR
Patent Number	: 7586987	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **964** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Ronald Jacoby	:	
Application No. 10/680,507	:	DECISION ON PETITION
Filed: October 6, 2003	:	TO WITHDRAW
Attorney Docket No. 017887-010010US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2005.

The petition 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. 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.

This application is being referred to Technology Center AU 3621.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: DARBY & DARBY
P.O. BOX 5257
NEW YORK, NY 10150-6257

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OCT 16 2006

OFFICE OF PETITIONS

Catherine Gemrich
Steelcase Development Corporation
6100 East Paris Avenue
Caledonia, MI 49501

In re Application of :
Matthew Adams et al. :
Application No. 10/680,536 : DECISION ON PETITION
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. 13618 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Catherine L. Gemrich.

Catherine Gemrich 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.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Orum & Roth**
53 W. Jackson Blvd.
Chicago, IL 60604

Attorney / Agent / Customer Number Search Results

Registration # 50473 Attorney's Applications
GEMRICH,CATHERINE
Steelcase Development Corporation
6100 East Paris Avenue
Caledonia, MI 49501

Registration Status : **ACTIVE** Attorney Type : **Attorney**

Customer Number	Customer Telephone Number	Customer Address
61142 Customer's Applications	312-922-6262	ORUM & ROTH LLC 53 W. JACKSON BLVD. SUITE 1616 CHICAGO, IL 60604

Search Another: Attorney/Agent/Customer

Registration# Search **Customer#** Search

Attorney's/Agent's Last Name **First Name**

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Customer's Attorney/Agent Search Result

Customer# 61142
ORUM & ROTH LLC
53 W. JACKSON BLVD.
SUITE 1616
CHICAGO, IL 60604

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number	Attorney/Agent Address
ORUM, KEITH	33985 Attorney's Applications	(312)922-6262	ORUM & ROTH 53 WEST JACKSON BLVD. CHICAGO, IL 60604
GEMRICH, CATHERINE	50473 Attorney's Applications	(616)554-2530	STEELCASE DEVELOPMENT CORPORATION 6100 EAST PARIS AVENUE CALEDONIA, MI 49501

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of :
Bradley Jon Vandertuin et al :
Application No. 10/680,538 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 27644.16 :

This is a decision on the petition, filed August 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 July 27, 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 3721 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Sean D. Solberg
DORSEY & WHITNEY LLP
Intellectual Property Department
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

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MAY 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Bunnelle, et al. : DECISION REFUSING STATUS
Application No. 10/680,550 : UNDER 37 CFR 1.47(a)
Filed: October 7, 2003 :
Atty. Dkt. No.: 14514.01 :
For: HOT MELT THERMOPLASTIC :
ELASTOMER COMPOSITION AND :
ARTICLES INCLUDING SAME :

This decision is in response to the petition under 37 CFR 1.47(a), filed April 5, 2004.

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

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 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 October 7, 2003 without a properly executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed January 2, 2004 requesting, *inter alia*, the submission of an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C.

§§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks requirement (1) set forth above. Petitioner has failed to establish that the non-signing inventor cannot be reached or refused to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, and oath or declaration).

Petitioner indicates that a package containing a declaration and an assignment was mailed to the non-signing inventor and that the non-signing inventor refused to accept delivery of the package.

Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor.

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. 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 non-signing 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. Petitioner, however, has failed to establish that an attempt was made to present to the non-signing paper a copy of the complete application papers (specification, including claims, drawings, and oath or declaration).

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the non-signing inventor receives the application papers or refuses to accept the application papers, and requests to execute the oat or declaration are refused, these facts should be set forth in a statement of facts signed

by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. Petitioner's attention is directed to MPEP 409.03(d) for further guidance.

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:	U.S. U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Sean D. Solberg
DORSEY & WHITNEY LLP
Intellectual Property Department
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

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OFFICE OF PETITIONS

In re Application of :
Bunnelle, et al. :
Application No. 10/680,550 :
Filed: October 7, 2003 : DECISION NOTING JOINDER
Atty. Dkt. No.: 14514.01 : OF INVENTOR AND PETITION
For: HOT MELT THERMOPLASTIC : UNDER 37 CFR 1.47(a) MOOT
ELASTOMER COMPOSITION AND :
ARTICLES INCLUDING SAME :

This decision is in response to the petition under 37 CFR 1.47(a), filed October 8, 2004.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE, SUITE 850
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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tetsuo Takeshima et al :
Application No. 10/680,572 :
Filed: October 7, 2003 :
Attorney Docket No. 36856.1131

This is a decision on the petition, filed November 17, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 8, 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 2834 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/12/06 Paper No.: _____

TO SPE OF : ART UNIT 3753

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/680584 Patent No.: 7000684B2

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: Do Not change claim 65 because it would change the scope of the claim. Other changes are OK to enter

Lee Rodriguez
SPE

3753
Art Unit

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Steven M. Shei :
Application No. 10/680,626 :
Filed: October 7, 2003 :
Attorney Docket No. DKE 9008.4 :

This is a decision on the petition, filed May 26, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 29, 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 3742 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).

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OFFICE OF PETITIONS

BAE SYSTEMS
PO BOX 868
NASHUA, NH 03061-0868

In re Application of
Apurva Mody, et al.
Application No. 10/680,629
Filed: October 6, 2003
Attorney Docket No. 0701-2765

ON PETITION

This is a decision in response to the petition, filed July 2, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office communication mailed November 21, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 22, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received July 2, 2008.

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

BARNES & THORNBURG LLP (Roche)
11 SOUTH MERIDAN STREET
INDIANAPOLIS, IN 46204

Mail Date: 04/20/2010

Applicant	: Hans-Georg Ihlenfeldt	: DECISION ON REQUEST FOR
Patent Number	: 7625735	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,635	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **627** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
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HAN-YI LEE
BAYSHORE PATENT GROUP, LLC
520 CHANTECLER DR.
FREMONT CA 94539

COPY MAILED

JUL 24 2006

OFFICE OF PETITIONS

In re Application of :
Charlene Wang :
Application No. 10/680,638 : DECISION ON REQUEST
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. US930063 : 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 17, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 22 2004

REINHART BOERNER VAN DEUREN S.C.
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

In re Application of	:	
William E. Rodgers	:	
Serial No.: 10/680,640	:	DECISION ON PETITION
Filed: October 7, 2003	:	
For: Caveson for Use With Horses	:	

This is in response to applicants' petition filed January 16, 2004, 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
Director
Technology Center 3700/2900

MW

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JUN 08 2004

Office of the Director
Group 3600

Reinhart, Boerner, Van Deuren s.c.
Attn: Linda Gabriel, Docket Corrdinator
1000 North Water Street
Suite 2100
Milwaukee, WI 53202

In re application of : **DECISION ON PETITION**
William E. Rodgers : **TO MAKE SPECIAL**
Application No. 10/680,640 : **(INFRINGEMENT)**
Filed: October 7, 2003 :
For: CAVESON FOR USE WITH HORSES

This is a decision on the petition under 37 C.F.R § 1.102(d) filed January 16, 2004 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed January 16, 2004 meets all of the requirements above and, therefore, 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 and 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.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/vdb: 6/3/04

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PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

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MAY 22 2007

OFFICE OF PETITIONS

In re Application of :
Kevin Fairbairn et al :
Application No. 10/680,656 : DECISION ON PETITION
Filed: October 6, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. :
AMAT/1571.C3/DSM/BCVD/JW

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 20, 2006, 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 with the 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, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The amendment seeks to add a claim for benefit of priority to Patent No. 6,152,070. However, the claim for benefit of priority must contain a reference to each application, identifying it by **application number (consisting of the series code and serial number.** As the amendment to the specification references the patent number rather than the application number, the amendment fails to comply with the provisions of 37 CFR 1.78(a)(i).

Any further request for reconsideration should include a renewed petition under 37 CFR 1.78(a)(3) and an amendment complying with the provisions of 37 CFR 1.78(a)(i).

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.

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 Irvin Dingle at (571) 272-3210.

Frances Hicks
Petition Examiner
Office of Petitions

cc: Keith Taboada
Patterson & Sheridan, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, NJ 07702

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of
Kevin Fairbairn et al
Application No. 10/680,656
Filed: October 6, 2003
Attorney Docket No.
AMAT/1571.C3/DSM/BCVD/JW

: 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 6, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application 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 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 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 nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. 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 1792 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/680,656	10/06/2003	1792	1064	AMAT/1571.C3/DSM/BCVD/JW	28	3

CONFIRMATION NO. 5797

44257
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

CORRECTED FILING RECEIPT

Date Mailed: 01/29/2008

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)

Kevin Fairbairn, Saratoga, CA;
Jessica Barzilai, Mountain View, CA;
Hari K. Ponnekanti, Santa Clara, CA;
W.N. (Nick) Taylor, Dublin, CA;

Assignment For Published Patent Application

APPLIED MATERIALS, INC.

Power of Attorney:

Robert Mulcahy--25436
Peter Sgarbossa--25610
Keith Tackett--32008
Donald Verplancken--33217
Raymond Moser Jr--34682
James Wilson--35412
Raymond Kwong--37165
Joseph Bach--37771
Barden Patterson--37906

Domestic Priority data as claimed by applicant

This application is a CON of 09/575,025 05/19/2000 PAT 6,635,115
which is a CON of 08/751,524 11/18/1996 PAT 6,152,070

Foreign Applications

If Required, Foreign Filing License Granted: 01/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/680,656**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Tandem process chamber

Preliminary Class

156

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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090515

DATE : May 15, 2009

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction on Patent No.: 7,372,153

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:

/SUE PURVIS/
Supervisory Patent Examiner.Art Unit 2826

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Luke Anderson
McGuireWoods, LLP
The Proscenium
1170 Peachtree Street, N.E.
Atlanta GA 30309-7649

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MAR 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Krol et al. :
Application No.10/680,677 : DECISION ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 2030874-0004 :
Title of Invention: Apparatus Bushing with :
Silicone-Rubber Housing :

This is a decision on the petition under 37 CFR §1.137(b), filed January 31, 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 January 28, 2004. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 29, 2003. A Notice of Abandonment was mailed on November 16, 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.

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

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JUN 16 2004

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JUN 16 2004

OFFICE OF THE DIRECTOR
TC 3600

COATES & BENNETT, PLLC
P.O. BOX 5
RALEIGH, NC 27602

In re application of : **DECISION ON PETITION**
James C. Crone : **TO MAKE SPECIAL**
Application No. 10/680,678 : **(APPLICANT'S AGE)**
Filed: October 7, 2003 :
For: SYSTEM AND METHOD OF IMPROVING CUSTOMER HEALTH, REDUCING INCOME TAX BY CHARITABLE GIFT, AND PROVIDING HUNGER RELIEF FOR THE NEEDY

This is a decision on the petition submitted on October 7, 2 003 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 copy of Applicant's current driver's license 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 tum 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/dcg: 5/25/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PILLSBURY WINTHROP LLP
2475 HANOVER STREET
PALO ALTO CA 94304-1114

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DEC 10 2004

OFFICE OF PETITIONS

NOTICE

In re Application of
Pylant, et al.
Application No. 10/680,702
Filed: October 6, 2003
Attorney Docket No. 067810-0303262
For: SELF ALIGNING TRAY AND CARRIER APPARATUS

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 15, 2004 (certificate of mailing date November 9, 2004).

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

This file is being forwarded to Technology Center 3700 for examination in due course.

E. Shirene Willis
Senior 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
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PILLSBURY WINTHROP LLP
2475 HANOVER ST
PALO ALTO CA 94304-1114

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DEC 0 6 2004

OFFICE OF PETITIONS

In re
Martin J. Eleveld
Application No. 10/680,704
Filed: October 6, 2003
Attorney Docket No. 067810-0300803

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed November 15, 2004.

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

Receipt of the $984, representing the small entity and large entity deficiency with respect to the application filing fee, three month extension of time fee, surcharge, and claim in excess of 20, is acknowledged.

The change of status to a large entity has been entered and made of record.

The file is being forwarded to Group Art Unit 3728 for examination in due course.

Telephone inquiries concerning this matter may 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
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Paper No.

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES IL 60195

COPY MAILED

AUG 21 2007

OFFICE OF PETITIONS

In re Application of :
Roland Bunter : DECISION ON PETITION
Application No. 10/680,708 :
Filed: October 7, 2003 :
Attorney Docket No. F-319-A :

This is a decision on the PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b) filed June 28, 2007.

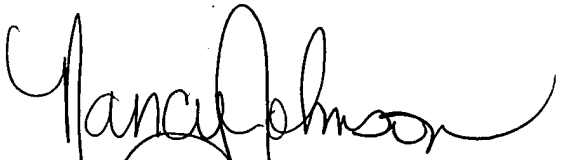
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed December 19, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). An interview was held on March 20, 2007. However, no reply was filed and the period for filing an extension of time expired without one being filed. Accordingly, the application became abandoned effective March 20, 2007. A courtesy Notice of Abandonment was recently mailed on June 29, 2007.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 3618 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed June 28, 2007.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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DIW Sep-06

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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SEP 0 7 2006
OFFICE OF PETITIONS

In re Application of :
Sutton-Rainey et al. : DECISION ON PETITION TO
Application No. 10/680,737 : WITHDRAW HOLDING OF
Filed: 7 October, 2003 : ABANDONMENT
Atty Docket No. RAIN-1-1005 :

This is a decision on the petition filed on 14 October, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action requiring restriction or election mailed on 17 February, 2005. Notice of Abandonment was mailed on 30 September, 2005.

Petitioners assert that a response to the non-final Office action was timely filed on 14 July, 2005, but was inadvertently miscaptioned for Application No. 10/687,737 (*sic*). In support, petitioners have supplied a copy of an itemized postcard bearing an "Office date" stamp of 18 July, 2005, itemizing the filing of the response to the Office action. Additionally, petitioners have supplied a duplicate copy of the amendment, bearing a Certificate of Transmission dated 14 July, 2005, signed by Wendy Saxby.

The original copy of the reply filed on 18 July, 2005, has been located in the file of Application No. 10/687,737.

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

As petitioners have provided convincing evidence that a reply to the non-final Office action was filed on 14 July, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

As a two (2) month extension of time is required to make the reply filed on 14 July, 2005 (certificate of mailing date) a timely response to the Office action mailed on 17 February, 2005, a two (2) month extension of time will be charged to counsel's deposit account as authorized in the fee transmittal filed with a certificate of mailing date of 14 July, 2005.

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

The application is being referred to the Technology Center for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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William R. Allen
WOOD, HERRON & EVANS, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202

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MAR 20 2008

OFFICE OF PETITIONS

In re Application of :
Randal Howard Kerstetter, III *et al.* :
Application No. 10/680,767 : DECISION ON PETITION
Filed: October 07, 2003 :
Attorney Docket No. DN2002161 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 28 January 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before 14 November 2007, as required by the Notice of Allowance and Fee(s) Due, mailed 14 August 2007. Accordingly, the date of abandonment of this application is 15 November 2007.

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.

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 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 intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Allen C. Ho at (571) 272-6052.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

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JUL 26 2006
OFFICE OF PETITIONS

In re Application of	:	
Holloway et al.	:	
Application No. 10/680,771	:	DECISION DISMISSING PETITION
Filed: October 7, 2003	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 108542-04CIP4	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 30, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) 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 does not comply with items (1) and (3).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b). The amendment fails to comply with the provisions of 37 CFR §§ 1.78(a)(2)(i) and (a)(5)(i) and is therefore unacceptable.

Additionally, when the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under 35 U.S.C. 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. 60/---, filed ---, and U.S. Provisional Application No. 60/ ---, filed ---." should appear as the first sentence(s) of the description or in an application data sheet. In addition, for an application which is claiming the benefit under 35 U.S.C. 120 of a prior application, which in turn claims the benefit of a provisional application under 35 U.S.C. 119(e), a suitable reference would read, "This application is a continuation of U.S. Application No. 10/---, filed ---, which claims the benefit of U.S. Provisional Application No. 60/---, filed ---."

Finally, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require 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 petition lacks the required language.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are 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 Derek L. Woods at (571) 272-3232.

Frances Hicks
Lead Paralegal
Office of Petitions

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

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of : DECISION GRANTING PETITION
Holloway et al. : UNDER 37 CFR § 1.78(a)(3)
Application No. 10/680,771 : AND 37 CFR § 1.78(a)(6)
Filing or 371(c) Date: 10/07/2003 :
Attorney Docket No. 108542-04CIP4 :

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed August 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to 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 Director may require additional 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(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 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 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 application is entitled to the benefit of the earlier filing date.

Applicant is advised that the Amendment filed with the petition incorrectly states the filing date of Application No. 10/301,416 as November 21, 2003. Office records reveal that the filing date of the application is November 21, 2002. While the filing date of U.S. applications is entered automatically upon entry of the application serial number into Office records, Applicant should correct the application file by filing a new Amendment/ADS correcting the filing date of the application.

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 Derek Woods at (571) 272-3232. 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 1618 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § §120 and 119(e) to the prior-filed nonprovisional and provisional applications.

Christina Y. Donnell

Christina Donnell
Senior Attorney
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 22313-145

NOV - 2 2004

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NOV - 2 2004

OFFICE OF THE DIRECTOR
TC 3600

Thomas B. Luebbering
Hovey Williams LLP
Suite 400
2405 Grand,
Kansas City, MO 64108

In re application of
Debra Colbert :
Application No. 10/680,774 : **DECISION ON REQUEST**
Filed: October 7, 2003 : **FOR WITHDRAWAL OF**
For: DISPLAY DEVICE FOR DISPLAYING : **ATTORNEY**
MEMORIAL PRESENTATION

This is a decision on the request filed on March 25, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date

of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition A) above.

As to condition A), the listed Customer No. 19-0522 is not a valid Customer No. thereby creating confusion as to who is withdrawing. To alleviate this problem, it is suggested that the request be resubmitted and that such request specifically state that the signing attorney is signing on behalf of all attorneys of record in this application.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/vdb: 10/26/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 25 2005

GERHARD SHIPLEY
4901 MAIN STRET
SUITE 220
KANSAS CITY, MO 64112

In re application of
Debra Colbert
Application No. 10/680,774 :
Filed: October 7, 2003 :
For: DISPLAY DEVICE FOR DISPLAYING :
MEMORIAL PRESENTATION :

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on March 9, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item A).

The attorneys listed on the original declaration do not match those appointed in Customer No. 23580. Therefore, some attorneys (Gerhard P. Shipley, William J. Jacob and David L. Terrell, Patent Agent) would still be of record if the request as submitted were approved. If that is the intent, then it must be so stated.

Otherwise, it is suggested that the request be resubmitted and that such request specifically state "the signing attorney is signing on behalf of all attorneys of record in this application.

Kenneth Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866

KD/dew: 3/23/05

cc: Jennifer Bailey
HOVEY WILLIAMS LLP
2405 Grand Boulevard, Ste. 400
Kansas City, MO 64108

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 23 2005

Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Ave.
Seventh Floor
Cleveland, OH 44114

In re Application of:	:	
Hulburt et al.	:	DECISION ON PETITION
Serial No.: 10/680,796	:	TO MAKE SPECIAL
Filed: October 7, 2003	:	
Docket No.: HULZ 2 00003	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed February 28, 2005, 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 birth certificate and a declaration from the inventor, Joan Hulburt, showing that she is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

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AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Juan Borges et al. :
Application No. 10/680,805 : DECISION GRANTING PETITION
Filed: October 7, 2003 :
Attorney Docket No. CRD-5043 :

This is a decision on the petition filed May 19, 2004 under 37 CFR 1.182 in response to the "Notice of Omitted Items" mailed March 24, 2004.

The instant application was filed October 7, 2003 and a filing date was accorded. However, according to the "Notice", it was indicated that page 6 of the specification appeared to have been omitted.

Petitioner asserts that page 6 was among the papers filed on October 7, 2003, and submits a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, the number of specification pages to be 30 and bears a United States Patent and Trademark Office date-stamp of October 7, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **Granted.**

Given the basis for granting the petition, no petition fee is due and thus the petition fee in the amount of $130.00 submitted May 19, 2004 will be refunded to petitioner.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on October 7, 2003 and page 6 of the specification submitted May 19, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497. Please be advised that effective September 24, 2004, the telephone number for the Office of Petitions will be changed to (571) 272-3232.

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
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ESS TECHNOLOGY, INC
C/O HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON BAY CA 94019

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JUN 24 2008

OFFICE OF PETITIONS

In re Patent No. 6897727 :
Issue Date: 05/24/2005 :
Application Number: 10/680811 : NOTICE
Filing or 371(c) Date: 10/06/2003 :
Attorney Docket Number: HBES 1095-2 :

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) 272-3231.

D Wood

Douglas I. Wood
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/15/07

Paper No.: —

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/680824 Patent No: 7235711B2

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: See Application data sheet filed 10/7/03

SPE

1638
Art Unit

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United States Patent and Trademark Office
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DAVID LUNDY
KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204

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SEP 2 0 2006

OFFICE OF PETITIONS

In re Application of :
Tabe :
Application No. 10/680,826 : DECISION ON PETITION
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. TABE-4 : 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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Krieg, DeVault, LLP has been revoked by the applicant of the patent application on August 24, 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: GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON DC 20007

UNITED STATES PATENT AND TRADEMARK OFFICE

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2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON, DC 20007

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JUL 07 2008

In re Application of :
Joseph Akwo Tabe :
Application No. 10/680,826 : DECISION ON PETITION
Filed: October 7, 2003 : TO WITHDRAW
Attorney Docket No. 4341-4 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 9, 2007.

The request is **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.

It is also noted that the applicant used the incorrect form the revoke the power of attorney give to the attorney listed in the oath or declaration. A blank copy of the correct form is attached.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOSEPH AKWO TABE
11700 OLD COLUMBIA PIKE
SUITE 717
SILVER SPRING, MD 20904

Attachment: Blank copy of Revocation of Power of Attorney form.

PTO/SB/82 (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.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number: ☐

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number: ☐

OR

☐ Firm *or* Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

I am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name			
Date		Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Timothy Raymond Cronin
P.O. Box 291
Portage WI 53901

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OCT 18 2006

OFFICE OF PETITIONS

In re Application of :
Timothy Raymond Cronin : DECISION ON PETITION
Application No. 10/680,830 :
Filed: August 12, 2005 :
Title: CERTIFIED PROTECTION :
FROM SUBLIMINAL CONTENT FOR :
RECORDINGS :

This is in response to the communications filed September 9, October 4, and October 20, 2005 and October 6, 2006, requesting that the above-identified application be accorded a filing date of October 7, 2003. These communications are being treated as a petition under 1.10(e) to accord the application papers a filing date as of the date of deposit in Express Mail.

RELEVANT STATUTES, RULES AND REGULATIONS

35 U.S.C. 111(a) provides that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

1.10(a) provides that:

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

The requirements of the statutes cannot be waived. Thus, the Office may only accord a filing date as of the date a specification (including at least one claim) and any required drawings are filed in the Office. If the requirements of rule 1.10 are met, the date of deposit with the USPS is considered the date of filing with the Office, if the requirements of the rule are met.

A review of the image file wrapper for this application reveals that a transmittal letter, specification and claims were filed on August 12, 2005. The image file wrapper is the Official record of the papers received in an application. Papers not present in the image file wrapper are not considered filed in the application. The image file wrapper does not contain any paper filed prior to August 12, 2005. In addition, on September 9, 2005, applicants advised the Office that drawings were "not applicable." Thus, if drawings are not required, pursuant to 35 U.S.C. 111, the earliest possible filing date for this application is August 12, 2005.

However, applicant contends that the application is entitled to a filing date of October 7, 2003. Applicant asserts that the application papers were originally deposited in the USPS Express Mail service on October 7, 2003. Applicant argues that the Office lost his application and that it was resubmitted on August 12, 2005. Applicant further states that a postcard was returned to him from the USPTO with the application number 10/680830. Yet, applicant's communications do not include a "true" copy of the application papers as originally filed, a copy of the Express Mail mailing label showing a date-in of October 7, 2003 or a copy of their return postcard.

Applicant's attention is directed to 1.10(e) and MPEP 503.

§ 1.10(e) provides that:

> Any person mailing correspondence addressed as set out in

§ 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

MPEP 503 provides that:

> A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which a 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.

Applicant must prove entitlement to a filing date of October 7, 2003. Given applicant's arguments, 2 ways of attempting to prove entitlement are available. First, applicant may seek to establish entitlement under 1.10(e) above. Such a petition must

include a copy of the application papers as applicant maintains they were originally filed on October 7, 2003 and a copy of the Express Mail mailing label (including the "date-in') used to mail the papers on October 7, 2003. Second, applicant may submit a copy of their itemized and date-stamped return postcard. It is suggested that applicant submit any and all evidence supporting a conclusion that the application is entitled to a filing date of October 7, 2003. Applicant is reminded, however, that evidence that a filing fee was filed on October 7, 2003 is not persuasive evidence that a specification and any required drawings were filed on that date.

Accordingly, the petition is **dismissed** without prejudice to reconsideration.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to respond. This period is not extendable under 37 CFR 1.136(a).

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

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

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

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

PETER A. BUSINGER, ESQ.
344 VALLEYSCENT AVENUE
SCOTCH PLAINS, NJ 07076-1170

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of :
Vetterli et al. :
Application No. 10/680,833 : ON PETITION
Filed: October 7, 2003 :
Title: SAMPLING METHOD, :
RECONSTRUCTION METHOD, AND
DEVICE FOR SAMPLING AND/OR
RECONSTRUCTING SIGNALS

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 19, 2006, 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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

---

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (1). The Office recognized submission of the Oath/Declaration and the late surcharge. However, the Notice to File Missing Parts mailed on December 31, 2003, also required payment of additional claim fees. Payment of the fees will result in revival of the instant patent application.

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:

U.S. Patent and Trademark Office
Customer Service Window 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) 272-3206.

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
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PETER A. BUSINGER, ESQ.
344 VALLEYSCENT AVENUE
SCOTCH PLAINS, NJ 07076-1170

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MAR 0 2 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Vetterli et al. :
Application No. 10/680,833 :
Filed: October 7, 2003 :
Title: SAMPLING METHOD, RECONSTRUCTION METHOD, AND DEVICE FOR SAMPLING AND/OR RECONSTRUCTING SIGNALS :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 25, 2007, to revive the above-identified application.

The petition is **GRANTED.**

Petitioner has now submitted the additional claims fee and has thus satisfied the requirements of the Notice of Missing Parts.

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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PETER A. BUSINGER, ESQ.
344 VALLEYSCENT AVENUE
SCOTCH PLAINS, NJ 07076-1170

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of :
Maravic et al. :
Application No. 10/680,839 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. SAMPLING METHOD :
FOR A SPREAD SPECTRUM
COMMUNICATION SYSTEM

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 18, 2006, 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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

The instant petition lacks item (1). The Office recognized submission of the Oath/Declaration and the late surcharge. However, the Notice to File Missing Parts mailed on December 31, 2003,

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

also required payment of additional claim fees. Payment of the fees will result in revival of the instant patent application.

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:

U.S. Patent and Trademark Office
Customer Service Window 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PETER A. BUSINGER, ESQ.
344 VALLEYSCENT AVENUE
SCOTCH PLAINS, NJ 07076-1170

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MAR 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Maravic et al.	:	
Application No. 10/680,839	:	ON PETITION
Filed: October 7, 2003	:	
Title: SAMPLING METHOD FOR A SPREAD SPECTRUM COMMUNICATION SYSTEM	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 25, 2007, to revive the above-identified application.

The petition is **GRANTED.**

Petitioner has now submitted the additional claims fee and has thus satisfied the requirements of the Notice of Missing Parts.

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) 272-3206.

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

HAMILTON BROOK SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of	:	
David C. Chan et al	:	
Application No. 10/680,853	:	DECISION ON PETITION
Filed: October 7, 2003	:	
Attorney Docket No. 0399.1167-007	:	

This is a decision on the petition, filed August 27, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action of February 21, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on August 20, 2007, which included the following papers: Amendment / Reply, 3 Month Extension of Time, Petition to Accept Color Drawings, Drawings, 4th Supplemental Information Disclosure Statement, Listing of References, Transmittal of Terminal Disclaimer, Terminal Disclaimer, Statement under 37 CFR 3.73(b) check for $1460. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated of August 20, 2007, which is timely received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the February 21, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 1648 for further processing.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDREA Q. RYAN
SANOFI-AVENTIS U.S. LLC
1041 ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,579,167	
Blondelet-Rouault et al.	DECISION ON REQUEST FOR
Issue Date: August 25, 2009	RECONSIDERATION OF
Application No. 10/680,860	PATENT TERM ADJUSTMENT
Filed: October 7, 2003	AND NOTICE OF INTENT
Attorney Docket No.	TO ISSUE CERTIFICATE OF
FRAV2002/0028	CORRECTION
Title: POLYPEPTIDES INVOLVED IN THE BIOSYNTHESIS OF SPIRAMYCINS, NUCLEOTIDE SEQUENCES ENCODING THESE POLYPEPTIDES AND APPLICATIONS THEREOF	

This is a decision on the petition filed on October 21, 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 two hundred three (1203) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred twenty-three (623) days is **GRANTED to the extent indicated herein.**

It is noted that Patentees' calculations do not include the 82-day reduction for the submission of the 312 amendment, but does include a 12-day reduction for the submission of the 312 amendment. A review of the record shows that 82-day reduction is

not warranted. Instead, patentee is correct a 12-day reduction is required pursuant to 37 CFR 1.704 (c)(10). 37 CFR 1.704 (c)(10) provides:

> (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;

The Notice of Allowance was mailed on April 8, 2009. On June 5, 2009, patentees filed an "Amendment Under 37 C.F.R. 312". The submission of the request after the mailing of the Notice of Allowance on April 8, 2009 constituted a failure to engage pursuant to 37 CFR 1.704 (c)(10). This period is 12 days, counting the number of days in the period beginning on June 5, 2009 and ending on June 16, 2009, the date of the mailing of supplemental Notice of Allowance.

The total days of applicants' delay is 292 days.

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 October 8, 2006 and ends on July 20, 2008, the day before the RCE was filed, and is 652 days. See 35 U.S.C. 154(b)(1)(B)(i).

The time taken up by the notice of appeal is excluded from the period of B-delay pursuant to 37 CFR 1.703(b)(4) in connection with the first Notice of Appeal filed December 20, 2007. The reduction commenced December 20, 2007; the date that the Notice of Appeal was filed, and ended July 20, 2008, the day before the filing of the request for continued examination. See, 37 CFR 1.703(b)(4).

As such, considering the exclusion of 214 days, the patent term adjustment is decreased by 214 days for "B" delay to 438 days.

In view thereof, the patent is entitled to an overall adjustment of 623 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

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 **six hundred twenty-three (623)** days.

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 : 7,579,167 B2

DATED : **August 25, 2009** **DRAFT**

INVENTOR(S) : Blondelet-Rouault 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 291 days

Delete the phrase "by 291 days" and insert – by 623 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. None

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

In re Application of :
Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

DECISION ON PETITION
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed October 20, 2004.

On October 7, 2003, the application was deposited, identifying Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

as joint inventors. No oath or declaration was included on filing. On March 16, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and a surcharge of $65.00 were required, along with the basic filing fee, and additional claim fees. This Notice set a two-month period for reply.

With the instant petition, Petitioner has submitted the petition fee, the surcharge, additional claim fees, a five-month extension of time, and a declaration which has been executed by each of the joint inventors save joint inventors Kennedy, Kennedy, Koen, Pai, Peled, Trustman, and Vujisic.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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.

After this decision is mailed, the application will be forwarded to Technology Center 3600 for further processing.

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
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Jayant Pai
PO Box 2670
Acton, MA 01720

In re Application of :

Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

Dear Mr. Pai:

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, the attorney of record 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) 272-3225. 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).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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John Trustman
11 Salt Island Road
Gloucester, MA 01930-1972

In re Application of :
Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED
FEB 25 2005
OFFICE OF PETITIONS

Dear Mr. Trustman:

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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Andrew Kennedy
1886 Central Avenue
Needham, MA 02492

In re Application of :

Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

Dear Mr. Kennedy:

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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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James Kennedy
5302 Cedar Bend Creek
Houston, TX 77041-6606

In re Application of :

Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

Dear Mr. Kennedy:

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, the attorney of record 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) 272-3225. 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).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Alon Peled
21 Moreland Avenue
Newton Center, MA 02459-2114

In re Application of :
Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

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FEB 25 2005

OFFICE OF PETITIONS

Dear Mr. Peled:

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.

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Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lyubomir Vujisic
15 Finley Street
Arlington, MA 02474

In re Application of :

Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED
FEB 25 2005
OFFICE OF PETITIONS

Dear Mr. Vujisic :

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, the attorney of record 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) 272-3225. 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).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Doug Koen
158 Thorndike Street
Cambridge, MA 02141

In re Application of :

Heather Ellen Bergeron, Chris Easton, Andrew Kennedy, James Kennedy, Doug Koen, Eugene Krylov, John Morris, Jayant Pai, Alon Peled, Simone Lemos Pringle, John Trustman, Lyubomir Vujisic, and Andre Yoshida :
Application No. 10/680,863 :
Filed: October 7, 2003 :
Attorney Docket No. EHP-003.04 :
Title: CONFIGURING A SEMANTIC NETWORK TO PROCESS HEALTH CARE TRANSACTIONS :

LETTER

COPY MAILED
FEB 25 2005
OFFICE OF PETITIONS

Dear Mr. Koen:

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, the attorney of record 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) 272-3225. 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).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/29/08

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction for Appl. No.: 10680875 Patent No.: RE40128 E

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

Lamonte M. 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: _____

SPE Thomas H Tarcza Art Unit 3662

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Timothy Gordon Godfrey	: DECISION ON REQUEST FOR
Patent Number	: 7653031	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/680,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1875** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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DIW 08-04

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of	:
Xue and Van Houdt	: DECISION ACCORDING STATUS
Application No. 10/680,878	: UNDER 37 CFR 1.47(a)
Filed: 7 October, 2003	:
Atty Docket No. 02-1059-A	:

This is in response to the petition filed under 37 CFR 1.47(a) on 6 July, 2004.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor could not be located. Specifically, petitioners have shown that a letter was sent to the last known address of the non-signing inventor on two occasions copy of the application papers were sent to the last known address of the non-signing inventor on two occasions, but was returned as undeliverable each time. As such, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

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

After this decision is mailed, the application will be forwarded to Technology Center 2800 for examination in due course.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/20/07

Paper No.: ____

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/680888 Patent No.: 7155232B2

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: Ok to Enter

Matthew D. Anderson
Supervisory Patent Examiner

SPE

2618
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

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OFFICE OF PETITIONS

In re Application of	:	
ISHIGAMI, et al.	:	
Application No. 10/680,896	:	DECISION GRANTING PETITION
Filed: October 8, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2562/71228/JPW/PJP/FHB	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 16, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 3, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2879 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

[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
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DEC 27 2004

Kunzler & Associates
8 East Broadway
Salt Lake City, UT 84111

MAILED

DEC 27 2004

OFFICE OF THE DIRECTOR
TC 3600

In re application of : **DECISION ON PETITION**
Leonard W. Burningham : **TO MAKE SPECIAL**
Application No. 10/680,925 : **(ACCELERATED EXAMINATION)**
Filed: October 8, 2003 :
For: APPARATUS, SYSTEM, AND METHOD FOR POSTAGE STAMP GENERATING

This is in response to the petition filed on November 26, 2004, 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).

In satisfaction of item (B) above, the petitioner states, "Applicant believes all claims are directed to a single invention and will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention."

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.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/rwg: 12/18/04

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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KUNZLER & ASSOCIATES
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY, UT 84111

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SEP 0 6 2006

OFFICE OF PETITIONS

In re Application of
Leonard W. Burningham
Application No. 10/680,925
Filed: October 8, 2003
Attorney Docket No. 1071.2.2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed June 8, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before May 23, 2006. This decision precedes the mailing of a Notice of Abandonment. On June 8, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate, 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, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to the Office of Publications to be processed into a patent.

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 (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BRIAN KUNZLER
KUNZLER AND ASSOCS
10 W 100 S STE 425
SALT LAKE CITY, UT 84101

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FROM DIRECTORS OFFICE

OCT 13 2005

TECHNOLOGY CENTER 3600

Scott C. Harris
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130

In re Application of
Nigel Evans et al.
Application No. 10/680,932
Filed: October 7, 2003

: **DECISION ON PETITION**
: **TO WITHDRAW THE**
: **HOLDING OF**
: **ABANDONMENT**

For: DUAL HOOK CLAMP

This is a decision on Applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on November 15, 2004.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a response to the Office action mailed March 29, 2004, which set a three-month shortened statutory period. No response was received and a Notice of Abandonment was mailed on October 7, 2004.

Petitioner contends that a response was faxed on July 22, 2004 and the USPTO lost this response.

Withdrawal of abandonment can only be made upon a showing by Applicant that a response was timely filed. Such a showing may include a certificate of mail or transmission, a USPTO date stamped post card receipt, or an auto-fax reply.

In this regard, any petition to withdraw the holding of abandonment based upon a Certificate of Transmission must include the following requirements:

(1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and

(2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512), by the person who signed the certificate.

Petitioner has not submitted a copy of a timely response to the Office action of March 29, 2004. No Certificate of Transmission has been provided, therefore, it is not clear at this time who should provide a statement under 37 CFR 1.8(b)(3). No copy of an auto-fax reply has been submitted.

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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/js: 9/23/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of :
Evans et al. :
Application No. 10/680,932 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 07319-092002 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 1, 2007, 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(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed March 29, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 30, 2004. A Notice of Abandonment was mailed October 7, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

---

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (3). A Response to Notice of Abandonment was submitted on November 15, 2004 traversing the holding of abandonment based on the response being timely filed. However, as there was no evidence of the timely filing, the petition to withdraw the holding of abandonment was dismissed on October 13, 2005.

It is now unclear why the instant petition was not filed until March 1, 2007. A petition under 37 CFR 1.137(b) requires that the *entire delay* in filing a petition to revive must be unintentional, including the time period between October 2005 and March 2007.

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:

U.S. Patent and Trademark Office
Customer Service Window 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55440-1022

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Evans et al.	:	
Application No. 10/680,932	:	ON PETITION
Filed: October 7, 2003	:	
Attorney Docket No. 07319-092002	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 2, 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 (previously submitted on March 1, 2007); (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.

This matter is being referred to Technology Center 3600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 8/27/07

DATE : 04/26/06

TO SPE OF : ART UNIT 2616

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/680940 Patent No.: 6950391

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: _____

LYNN FEILD
SUPERVISORY PATENT EXAMINER

SPE

2616
Art Unit

STAPLE HERE ONLY

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,950,391 B1
ISSUE DATE : September 27, 2005
INVENTOR(S) : H. Michael Zadikian; Ali Saleh; John C. Adler; Zareh Baghdasarian; Vahid Parsi

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At (54), please correct the title to read:
A METHOD OF ALLOCATING BANDWIDTH IN AN OPTICAL NETWORK

Claim 26 should be dependent on Claim 18, not Claim 24, therefore:
At column 27, line 47, please delete "claim 24" and insert --claim 18--

Claim 35 should be dependent on Claim 27, not Claim 33, therefore:
At column 28, line 61, please delete "claim 33" and insert --claim 27--

Claim 44 should be dependent on Claim 36, not Claim 42, therefore:
At column 30, line 10, please delete "claim 42" and insert --claim 36--

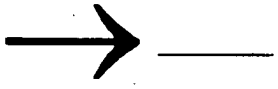
Claim 60 should be dependent on Claim 59, not Claim 50, therefore:
At column 31, line 48, please delete "claim 50" and insert --claim 59--

PRINTER'S TRIM LINE

MAILING ADDRESS OF SENDER:

CAMPBELL STEPHENSON ASCOLESE LLP
4807 Spicewood Springs Road
Building 4, Suite 201
Austin, Texas 78759
Telephone: 512-439-5080 • Facsimile: 512-439-5099

PATENT NO. 6,950,391 B1
No. of add'l copies: 0
@ 50¢ per page



FORM PTO 1050 (REV. 3-82)

APR 21 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BROOKS, CAMERON & HUEBSCH , PLLC
1221 NICOLLET AVENUE , SUITE 500
MINNEAPOLIS MN 55403

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
CRILLY, William J. Jr. :
Application No. 10/680,965 :
Filed: October 7, 2003 :
Attorney Docket No. **MNT-0012US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 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 Edward J. Brook on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed February 7, 2008 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: WILLIAM J. CRILLY, JR.
23825 E. 2ND AVENUE COURT
LIBERTY LAKE, WA 99019

cc: CHRISTOPHER R. AMBROSE
AMBROSE LAW GROUP, LLC
805 SW INDUSTRIAL WAY, SUITE 201
BEND, OR 97702

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OFFICE OF PETITIONS

BULLIVANT HOUSER BAILEY PC
1415 L STREET, SUITE 1000
SACRAMENTO, CA 95814

In re Application of :
William J. CRILLY, Jr. :
Application No. 10/680,965 : DECISION ON PETITION
Filed: October 7, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **29988/40000** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 8, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 9, 2008.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, supplemental amendment, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631

(Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on October 30, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2434 for appropriate action by the Examiner in the normal course of business on the reply received October 30, 2009 and the supplemental amendment received November 20, 2009.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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5-2-07

gm

In re application of	:	
Hradil et al.	:	DECISION
Serial No. 10/680,966	:	DISMISSING
Filed: October 8, 20003	:	PETITION
For: PROCESS FOR PREPARING R- AND S-ISOMERS OF (R)-5-(2-((2-(2-ETHOXYPHENOXY) ETHYL) AMINO) PROPYL) -2-METHOXYBENZENESULFONAMIDE	:	

This is a decision on A PETITION UNDER 37 CFR 1.183 TO SUSPEND THE RULES AND WITHDRAW FROM PUBLICATION THE ABOVE-IDENTIFIED STATUTORY INVENTION REGISTRATION APPLICATION, filed on March 23, 2006.

On August 31, 2005, a Notice of Intent to Publish Statutory Invention Registration was mailed in the instant application. Applicant indicates in the petition that the Notice was not received.

The instant petition was then filed on March 23, 2006, and requests that the application be withdrawn from publication.

The petition is before the Director of Technology Center 1700 for consideration.

The petition is **DISMISSED** for the reasons below.

DECISION

While styled a petition under 1.183, the instant petition is in fact a petition under 37 CFR 1.313, Withdrawal from Issue. As stated in 37 CFR 1.313(d),

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue.

Manifestly, the instant petition was not received by the appropriate official before the date of issue, the application having been published as a Statutory Invention Registration on April 4, 2006, less than two weeks after the petition was filed.

Applicant's petition is therefore **DISMISSED**.

Marion C. Knode for
Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARTVILLE, OH 44632

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AUG 1 1 2004

OFFICE OF PETITIONS

In re Application of :
Wayne P. Young, John I. Shipp :
and Keith Ratcliff : DECISION GRANTING PETITION
Application No. 10/680,973 : UNDER 37 CFR 1.47(a)
Filed: October 7, 2003 :
Title: INSTRUMENTS AND METHODS
FOR USE IN LAPAROSCOPIC
SURGERY

This is in response to the "Petition Under 37 CFR 1.47(a)," filed July 7, 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 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.

Please note, the last known address of the inventor is assumed to be the address listed in the Declaration.

The file is being forwarded to Technology Center 3700 for examination *in due course*.

Telephone inquiries regarding this decision should 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

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

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 06/01/2010

Applicant	: Derek Owen	: DECISION ON REQUEST FOR
Patent Number	: 7621513	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/680,986	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **88** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

AUG 19 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Carlos A. Fisher
ALLERGAN, INC.
T2-7H
2525 Dupont Drive
Irvine CA 92612

In re Application of:
Tatton et al.
Serial No.: 10/680,996
Filed: October 7, 2003
Attorney Docket No.: 17530 (AP)

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 25, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that "Document 21" submitted to the Patent Office in an Information Disclosure Statement submitted on July 24, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

Unfortunately, no document is seen as being identified as "Document 21" so a determination cannot be made at this time. It is also requested that a new Form-1449 be submitted without "Document 21" so the original Form-1449 submitted on July 24, 2008 can be "closed" if a decision of Grant is made in response to the renewed petition.

The petition is **DISMISSED**. Petitioner may resubmit the petition with the appropriate information so that a decision can be made. No additional petition fee will be required at that time.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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OFFICE OF PETITIONS

In re Application of :
Pierre-Etienne Chabrier de Lassauniere et al :
Application No. 10/681,002 : DECISION GRANTING PETITION
Filed: October 8, 2003 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 427.057-1 :

This is a decision on the petition, filed December 19, 2007, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Criminisi, et al.
Application No. 10/681,007
Filed: October 8, 2003
Attorney Docket No. 304561.01
For: GAZE MANIPULATION

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2010, to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action mailed July 28, 2009, which set an extendable three month period for reply. Accordingly, this application became abandoned on October 29, 2009. A Notice of Abandonment was mailed on February 4, 2010.

Applicants have submitted a RCE and required $810.00 fee and amendment in reply to the July 28, 2009 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the July 28, 2009 final Office action, and the $1,620.00 petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center A.U. 2624 for consideration of the RCE and amendment filed on March 16, 2010.

Telephone inquiries pertaining to this decision may 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
DIW Feb-07

J.D. HARIMAN
DLA PIPER US, LLP
1999 AVENUE OF THE STARS, 4TH FLOOR
LOS ANGELES CA 90067

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FEB 28 2007

OFFICE OF PETITIONS

In re Patent No. 6,826,095 :
Issued: 30 November, 2004 :
Application No. 10/681,014 : ON PETITION
Filed: 7 October, 2003 :
Attorney Docket Number: 7057-0042 :

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 23 October, 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**.

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.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: J.D. HARRIMAN II
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
1880 CENTURY PARK EAST, 12TH FLOOR
LOS ANGELES CA 90067-1621

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Frank Chau, Esq.
F. Chau & Associates, LLP
1900 Hempstead Turnpike, Ste. 501
East Meadow, NY 11554

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JUL 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Joan M. Fallon	:	DECISION ON REQUEST
Application No. 10/681,018	:	TO WITHDRAW FROM
Filed: October 8, 2003	:	RECORD
Attorney Docket No. 8016-1 CIP CON	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b) or 37 CFR § 10.40, filed on August 1, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Frank Chau, James J. Bitetto, Frank V. DeRosa and Gaspare J. Randazzo have been revoked by the sole inventor of the patent application on February 8, 2006. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: MAINE & ASMUS
100 MAIN STREET
P.O. BOX 3445
NASHUA, NH 03061-3445

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 22, 2006

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/681022 Patent No.: 7,058,486

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.

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

Comments: _____

SPE

3661
Art Unit

PAGE 2/2 * RCVD AT 7/10/2007 2:25:44 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/9 * DNIS:2709942 * CSID: * DURATION (mm-ss):00-54

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 22, 2006

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/681022 Patent No.: 7,058,486

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: _____

_____

_____

_____

_____

_____ 3661

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,058,486

DATED : Jun. 6, 2006

INVENTOR(S): Dietmar ARNDT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 3, line 10, change "velocity vector "(vx, vx, vz)" to --(vx, vy, vz)--

MAILING ADDRESS OF SENDER

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Patent No. **7,058,486 B2**

No. of add'l. copies
@ 30 ¢ per page

FORM PTO 1050 (REV 3.82) **MODIFIED**

AUG 04 2006

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Lu, et al. : DECISION GRANTING STATUS
Application No. 10/681,026 : UNDER 37 CFR 1.47(a)
Filed: October 8, 2003 :
Atty. Dkt. No.: I-2-0412.1US :
For: INFORMATION STORAGE FOR :
RADIO RESOURCE MANAGEMENT :

This decision is in response to the petition under 37 CFR 1.47(a), filed June 7, 2004.

The petition is **GRANTED**.

Petitioner(s) has shown that the non-signing inventor has refused to execute the declaration for the above-identified application and/or cannot be reached or located for presentation and execution of same, and is thus unavailable.

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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application 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 (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

Mehrdad Haghighi
29 James Street, #402
Newark, NJ 07102

COPY MAILED

MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Lu, et al. : LETTER
Application No. 10/681,026 :
Filed: October 8, 2003 :
Atty. Dkt. No.: I-2-0412.1US :
For: INFORMATION STORAGE FOR :
RADIO RESOURCE MANAGEMENT :

Dear Sir:

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 C.F.R. § 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 as per 37 C.F.R. § 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 C.F.R. § 1.63.

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).

Alesia M. Brown
Petitions Attorney
Office of Petitions

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Lu, et al. : DECISION GRANTING STATUS
Application No. 10/681,026 : UNDER 37 CFR 1.47(a)
Filed: October 8, 2003 :
Atty. Dkt. No.: I-2-0412.1US :
For: INFORMATION STORAGE FOR :
RADIO RESOURCE MANAGEMENT :

This decision is in response to the petition under 37 CFR 1.47(a), filed June 7, 2004.

The petition is **GRANTED**.

Petitioner(s) has shown that the non-signing inventor has refused to execute the declaration for the above-identified application and/or cannot be reached or located for presentation and execution of same, and is thus unavailable.

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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application 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 (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
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Alexandria, VA 22313-1450
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STEPHEN T. SULLIVAN
ROBERTS, MLOTKOWSKI, HOBBES, P.C.
7001 E. PARADISE DRIVE
SCOTTSDALE AZ 85254-5175

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JAN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Weatherall et al.	:	
Application No. 10/681,032	:	ON PETITION
Filed: October 7, 2003	:	
Attorney Docket No. 1640-006	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 10, 2006, 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(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 submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed August 22, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 23, 2005. A Notice of Abandonment was mailed on January 12, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

[1] 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.

The instant petition lacks item (1). Petitioner submitted a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS). The application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. Once the issue fee has been submitted, the instant application will be returned to the Technology Center for consideration of the RCE concurrently filed.

Petitioner is advised that, once submitted, the issue fee 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]

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:

U.S. Patent and Trademark Office
Customer Service Window 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

---

[2] See MPEP 711.03(c)(III)(C) and (D).

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

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7001 E. PARADISE DRIVE
SCOTTSDALE AZ 85254-5175

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Weatherall et al.	:	
Application No. 10/681,032	:	ON PETITION
Filed: October 7, 2003	:	
Attorney Docket No. 1640-006	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed May 1, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This matter is being referred to Technology Center 2800 for processing of the Request for Continued Examination under 37 CFR 1.114 previously filed on November 10, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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VIRTUAL LEGAL, P.C.
MICHAEL A. KERR
P.O. BOX 22028
CARSON CITY NV 89721

MAILED

FEB 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Kerr	:	
Application No. 10/681,034	:	DECISION ON PETITION
Filed: October 8, 2003	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. KERR 01.03	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 20, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in an amendment filed June 3, 2008.

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 November 29, 2000 and 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 does not comply with item (1). In this regard, each application in the chain of applications must contain a proper benefit claim to the prior applications.

A review of the chain of prior applications cited in the amendment filed June 3, 2008 indicates that Application No. 09/899,559 claims priority to 60/266,956. However, the record of Application No. 09/899,559 discloses that this application claimed priority to 60/266,856. Apparently Application No. 09/899,559 claimed benefit to the wrong provisional application, as provisional Application No. 60/266,856 does not name as an inventor at least one inventor named in the later-filed application nor does it disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112. Consequently, a proper petition 37 CFR 1.78(a)(6) and the surcharge would be required in Application No. 09/899,559 to correctly identify the prior application to which benefit is being claimed. Further, as a proper claim must be submitted during the pendency of the prior filed application, a petition to revive under the provisions of 37 CFR 1.137(b) must also be filed in Application No. 09/899,550.

Once a decision granting the Petitions under 37 CFR 1.137(b) and 37 CFR 1.78(a)(6) is received for Application No. 09/899,559, a copy of the decision and a request to renew the present petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) should be promptly filed. No further petition fee is required in the present 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]

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

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

KERR IP GROUP, LLC
MICHAEL A. KERR
P.O. BOX 22028
CARSON CITY, NV 89721

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Michael A. Kerr :
Application No. 10/681,034 :
Filed: October 8, 2003 :
Attorney Docket No. KERR 01.03 :

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) and 1.78(a)(6), filed February 19, 2009, 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 petition is **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 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 the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 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 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 application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. 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 3714 for consideration by the examiner of the claim under 35 U.S.C. §120 to prior-filed nonprovisional Application No. 09/899,559 and 35 U.S.C. §119(e) to the prior-filed provisional Application No 60/266,956.

/SDB/

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
10/681,034	10/08/2003	3714	450	KERR 01.03	20	3

CONFIRMATION NO. 2717

CORRECTED FILING RECEIPT

48008
KERR IP GROUP, LLC
MICHAEL A. KERR
P.O. BOX 22028
CARSON CITY, NV 89721

Date Mailed: 09/23/2009

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)

Michael A. Kerr, Carson City, NV;

Power of Attorney: The patent practitioners associated with Customer Number 00048008

Domestic Priority data as claimed by applicant

This application is a CON of 09/899,559 07/05/2001 ABN
which claims benefit of 60/266,956 02/06/2001

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/681,034**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Biometric broadband gaming system and method

Preliminary Class

463

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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GLENN PATENT GROUP
3475 EDISO WAY, SUITE L
MENLO PARK, CA 94025

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OCT 17 2008

OFFICE OF PETITIONS

In re Application of
Simon GIBSON, et al
Application No. 10/681,051
Filed: October 7, 2003
Attorney Docket No. AOL018

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 15, 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 Michael A. Glenn on behalf of all attorneys of record.

All attorneys 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).

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SIMON GIBSON
4521 ARKANSAS AVENUE NW
WASHINGTON DC 20011

cc: AOL LLC, A DELAWARE
LIMITED LIABILITY COMPANY
22000 AOL WAY
DULLES, VA 20166-9323

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Paper No.

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD.
BOSTON, MA 02110

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DEC 28 2004

OFFICE OF PETITIONS

In re Application of
Heather Bergeron, Chris Easton,
Eugene Krylov, John Morris,
Simone Pringle, Andre Yoshida,
Andrew Kennedy, James Kennedy,
John Trustman, Jayant Pai,
Alon Peled, Doug Koen, and
Lyubomir Vujisic
Application No. 10/681,052
Filed: October 7, 2003
Attorney Docket No. EHP-003.05
Title: PROCESSING HEALTH CARE TRANSACTIONS USING A SEMANTIC NETWORK

DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.47(a)," filed November 5, 2004.

The petition is **GRANTED**.

The above-identified application was filed on October 7, 2003, without an executed oath or declaration, missing the statutory basic filing fee and with additional claim fees due. Accordingly, on August 11, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration, the surcharge for its late filing and the missing fees. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed six declarations executed, in combination, by joint inventors Bergeron, Easton, Krylov, Morris, Pringle and Yoshida on behalf of themselves and on behalf on non-signing inventors Andrew Kennedy, James Kennedy, Trustman, Pai, Peled, Koen, and Vujisic; the surcharge under § 1.16(e); and the instant petition under § 1.47(a)(and the missing fees). This response was made timely by an accompanying petition (and fee) for extension of time within the first month. Applicants assert that status under § 1.47(a) is proper because, despite diligent efforts, attorney for applicants has been unable to obtain the signatures of inventors Andrew Kennedy, James Kennedy, John Trustman, Jayant Pai, Alon Peled, Doug Koen and Lyubomir Vujisic. In support thereof, applicants submitted the declaration of attorney Joseph Born.

The petition includes payment of the petition fee, and statements of the last known addresses of each of the non-signing inventors. Furthermore, the declaration of attorney Born attests to having presented to each of the non-signing inventors the entire application package. The petition includes a adequate showing that by their conduct in not responding each of the non-signing inventors has refused to join in the application within the meaning of § 1.47.

The petition and declaration filed November 5, 2004 have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, returned to OIPE for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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FEB 0 9 2004

OFFICE OF PETITIONS

In re Application of
Conley, et al.
Application No. 10/681,055
Filed: October 8, 2003
Attorney Docket No. P32555D2
For: NOVEL METHOD OF TREATMENT

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed January 12, 2004 (certificate of mailing date January 8, 2004), requesting that the above-identified application be accorded a filing date of October 8, 2003 rather than the presently accorded filing date of October 7, 2003.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on October 8, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EL964437986US showing no "date-in" **and** a USPS date stamp of OCT 8 2003. The same Express Mail label number is listed on the original Utility Application Transmittal in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EL964437986US was deposited with the USPS on October 8, 2003.

Accordingly, the petition is granted. No fee has been or will be charged in connection with this petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **October 8, 2003**.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

cc: SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia PA 19406-0939

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,075	10/08/2003	3713	626	02-075	20	30	5

CONFIRMATION NO. 7676

22927
WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

UPDATED FILING RECEIPT

OC000000011979318

Date Mailed: 02/26/2004

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)

Jay S. Walker, Ridgefield, CT;
James A. Jorasch, Stamford, CT;
Geoffrey M. Gelman, Stamford, CT;
Russell P. Sammon, San Francisco, CA;
Magdalena M. Fincham, Norwalk, CT;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/635,986 08/07/2003
which is a CIP of 10/159,722 05/30/2002
which is a CON of 09/879,299 06/12/2001 PAT 6,634,942
which is a CIP of 09/437,204 11/09/1999 PAT 6,244,957
which is a CON of 08/774,487 12/30/1996 PAT 6,012,983
and said 10/635,986 08/07/2003
claims benefit of 60/401,853 08/07/2002
and claims benefit of 60/417,687 10/10/2002

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2003

Projected Publication Date: 06/03/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for deriving information from a gaming device

Preliminary Class

463

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).

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New York, NY 10017

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JAN 31 2008

OFFICE OF PETITIONS

In re Application of :
Jeannette Whitcomb :
Application No. 10/681,078 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 11068-0067-999 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 10, 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). 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 May 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571) 272-0602.

This application is being referred to Technology Center Art Unit 1648for 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.

David Bucci
Petitions Examiner
Office of Petitions

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

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AUG 16 2007

OFFICE OF PETITIONS

In re Patent No. 7,101,927 :
Issue Date: September 5, 2006 :
Application No. 10/681,091 : DECISION ON PETITION
Filed: October 9, 2003 :
Patentee(s): Jinqiu Chen, et. al. :

This is a decision on the request under 37 CFR 3.81(b)[1] filed on February 12, 2007, to correct the name of the assignee on the front page of the above patent by way of a certificate of correction.

The petition is **dismissed**.

37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee, but ***prior to issuance of a patent.***

Petitioner requests issuance of a Certificate of Correction to correct name of the assignee from "Sternagel Fleischer Godemeyer & Partner, Bergisch Gladbach, Germany" to "PolymerLatex GmbH, Marl, Germany". However, USPTO assignment records fail to show that an assignment listing the name of the assignee as "PolymerLatex GmbH, Marl, Germany", was ever recorded, prior to issuance, of the above patent. Therefore, a Certificate of Correction would not be in order.

In view of the above, the $100 Certificate of Correction fee submitted on February 12, 2007 will be credited to petitioner's deposit account.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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MAR 30 2005

DEHOU FEI
3736 10TH AVENUE
APT. 2H
NEW YORK, NY 10034

In re Application of	:
Dehou Fei et al.	:
Serial No.: 10/681,103	: PETITION TO MAKE SPECIAL
Filed: October 29, 2003	:
Attorney Docket No.: N/A	:

This is in response to applicants' petition filed February 25, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant. No fee is required for this petition. The delay in acting upon this petition is regretted.

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore, the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

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

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

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SEP 28 2007

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DEHOU FEI
APT. 2H
3736 10TH AVE.
NEW YORK NY 10034

In re Application of	:
Dehou Fei et al	:
Serial No.: 10/681,103	: PETITION DECISION
Filed: October 9, 2003	:
Attorney Docket No.:	:

This is in response to the petition under 37 CFR 1.144, filed August 6, 2007, requesting withdrawal of an improper restriction requirement.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 111 on September 29, 2004, and contained claims 1-4. Subsequent to acceptance of the application a petition to make the application special in view of the age of at least one of the inventors was filed and granted on March 30, 2005. Shortly thereafter in a first Office action, mailed June 21, 2005, the examiner assigned to the application required restriction between the inventions claimed by setting forth 4 groups of invention, as follows:

Group I, claim 1, drawn to a liquid additive and supplementary health pill;
Group II, claim 2, drawn to a method of reducing toxicity by applying a liquid additive to tobacco;
Group III, claim 3, drawn to preventing diseases utilizing a health pill; and
Group IV, claim 4, drawn to eliminating addiction safely and effectively.

The examiner expressed a number of reasons for requiring restriction including distinctness of each invention from the other and burden on the Office to examine all inventions in the same application. (That is to say that the inventions, while somewhat related to each other, would require different searches, search techniques and patentability considerations.)

Following a telephonic interview on or about July 8, 2005, applicants replied on July 11, 2005, electing Group III and presenting a new claim 5 which was in reality five new claims under a heading of "Claim 5". Applicants did not specifically or formally traverse the restriction requirement at this time.

A Notice of Non-Compliant Amendment was mailed to applicants on August 2, 2005, to which reply was made on August 24, 2005. A second Notice of Non-Compliant amendment was mailed to applicants on August 31, 2005, but was eventually withdrawn on March 29, 2007, and a miscellaneous letter sent to applicants to show how the claims should be properly written. Applicants then submitted an acceptable amendment on April 20, 2007.

The examiner mailed a new Office action to applicants on June 15, 2007. In view of applicants' election of claim 3 of the original claims, which was now canceled, the examiner considered claims 5-6 which correspond to original claim 3 as the elected claims. The examiner again explained the reasons for restriction in detail and made the requirement for restriction Final. The examiner then rejected claims 5 and 6 under 35 U.S.C. 112, first paragraph, for lack of written description in the specification, and under 35 U.S.C. 112, second paragraph, as indefinite, giving reasons therefore. The examiner also conducted extensive telephone interviews with applicants on May 31, and June 7, 2007, in preparation for issuing the Office action.

Subsequent to the mailing of the Office action the examiner conducted additional telephonic interviews with applicants on July 11, and August 1, 2007 to give applicants further guidance in prosecuting their application.

On August 6, 2007, applicants filed this petition consisting of 10 pages with 80 pages of attachments, mostly copies of application papers already on file.

DISCUSSION

As noted, the petition is extensive and is directed to the propriety of the restriction requirement set forth by the examiner, but includes a great deal of material and argument which is not pertinent to the question of whether the requirement for restriction is proper. As applicants are prosecuting their own application some latitude with conformance to the rules of prosecution is permitted. However, it would be in applicants' best interests to employ the services of a patent attorney or agent to assist in the prosecution of this application and to minimize the delays occasioned by the Office mailing of Notices of Non-Compliance in the future.

A review of the restriction requirement set forth by the examiner with respect to claims 1-4 and now applied to claims 5-9, shows that it is proper and in accordance with the rules of prosecution of patent applications. Applicants' arguments have been considered carefully, however they are not persuasive of error on the examiner's part. A review of applicants two independent composition claims, currently claims 5 and 7 shows that the compositions have only one (of about ten) component in common, the cyclodextrin. Thus the compositions are two separate compositions of matter each of which may be separably patentable. Thus they are properly examined separately in two different applications since the Patent Statute (Law) strongly suggests and has been interpreted as limiting each patent to one invention. Further, the two method claims, current claims 8 and 9, are considered a different statutory class of invention from compositions and are properly restricted from applications claiming compositions. It is frequently the case that the invention of a novel compound or composition of matter also involves a novel (and separately patentable) method of making or method of using the compound or composition. Applicants even quote 35 U.S.C. 101 as part of their argument which states:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor," meaning that any new or useful process or machine or manufacture or composition of matter may be the subject of a (one) patent. That does not mean that a combination of these types of invention may all be the subject of the same patent.

For the above reasons the restriction requirement is considered proper and will not be withdrawn.

DECISION

The petition is **DENIED** for the reasons set forth above.

Applicants remain under obligation to reply to the Office action mailed June 15, 2007, within the time period set therein or as extended under 37 CFR 1.136(a). The filing of a petition is not considered a reply to the Office action.

ADDITIONAL COMMENTS

Applicants make a number of comments ancillary to the petition of the restriction requirement which it is thought should be addressed. For instance applicants appear to be of the belief that a telephone conversation with an unnamed Office employee shortly after the application was filed was an indication that the application would issue as a patent. What in all likelihood happened is that after filing the application applicants talked with an individual who indicated that the application had been received and had been initially reviewed for compliance with the applicable filing requirements and had met them and that the application was, therefore, ready for examination by a qualified examiner. No indication was given or should have been assumed that the application was ready to be issued as a patent. It is regretted that applicants misunderstood what was communicated to them at that time.

Applicants appear to believe that this application was at some time abandoned. No Notice of Abandonment was ever mailed to applicants, thus no abandonment of the application has ever taken place. Prosecution of this application, which was advanced out of turn due the granting of a petition to make special, has proceded in a normal manner along with the prosecution of approximately 1,000,000 other pending applications. Unfortunately, due to the large number of active applications, prosecution within the Office is sometimes slowed by this and other factors. It is noted that the examiner of this application has tried to assist applicants as much as possible as evidenced by the numerous telephone interviews. In view of this, it is again urged that applicants strongly consider consultation with, or employment of, a registered patent attorney or agent in order to bring prosecution of this application to a conclusion.

Applicants also make allegations that the actions of this agency have or can be influenced by other agencies (such as Department of Justice). Nothing could be further from the truth. This agency administers the Patent Laws, Title 35 U.S.C., and the agency is independent of any other agency of the government. The Patent Laws set forth the specific criteria for granting of a patent and the agency issues more than 100,000 patents each year which meet these criteria. Applications which do not meet these criteria do not issue as patents. Nor can congressional

influence cause the issuance of a patent which does not meet these criteria. Employees of the Office must meet and maintain the highest ethical standards as do any attorneys or agents who desire to practice before the Office. Thus any allegations of wrong-doing or impropriety are without merit.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600

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

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Liljeryd, et al. :
Application No. 10/681,105 : DECISION ON PETITION
Filed: October 9, 2003 : TO WITHDRAW
Attorney Docket No. 4441-0111P : 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 5, 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 Terrell C. Birch on behalf of all attorneys of record who are associated with customer No. 02292.

All attorneys/agents associated with the Customer Number 02292 been withdrawn.

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

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

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Lars G. Liljeryd
Vintervagen 19, S-171 34 Solna
Sweden

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

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
10/681,105	10/09/2003	Lars Gustaf Liljeryd	4441-0111P

CONFIRMATION NO. 8127

OC000000020627111

OC000000020627111

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 09/28/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/05/2006.

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

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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P.O. Box 1450
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STEIN, McEWEN & BUI, LLP
1400 EYE STREET NW
SUITE 300
WASHINGTON, DC 20005

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JUN 27 2007

OFFICE OF PETITIONS

In re Application of :
Jung-Wan Ko :
Application No. 10/681,131 : DECISION GRANTING PETITION
Filed: October 9, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1293.1084DC :

This is a decision on the petition, filed June 26, 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 May 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 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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MAY 12 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Richard C. Litman
Litman Law Offices, LTD.
PO Box 15035
Arlington, VA 22215

In re application of
Laura Treibitz et al.
Application No. 10/681,159
Filed: October 9, 2003
For: DOLL HISTORY SOFTWARE

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(APPLICANT'S AGE)**
:

This is a decision on the petition submitted on October 9, 2003 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 Ms. Eleanor Schmidt indicating that she 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**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/vdb: 5/5/04

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091113

DATE : November 13, 2009

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 7463689

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:

Corrections are for typographical errors and do not add new matter or affect the scope of the patent.

/David C. Payne/
Supervisory Patent Examiner, Art Unit 2611

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JOHN C. THOMPSON
69 GRAYTON ROAD
TONAWANDA NY 14150

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JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Clegg et al.	:	
Application No. 10/681,168	:	DECISION ON PETITION
Filed: October 9, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. IVf05US	:	

This is a decision on the petition, filed May 5, 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 Office (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 dismissed as **MOOT**.

Petitioner states that the instant nonprovisional application became the subject of a counterpart application filed in an eighteen-month country on December 31, 2003. However, a review of the file record discloses that a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i) was never filed in the instant application. Accordingly, the application is not in fact abandoned for failure to timely notify the USPTO of the filing of an application in a foreign country. A Petition under 37 CFR 1.137(f) is not necessary and is dismissed as moot.

However, the instant application is abandoned for failure to timely respond to the Office action mailed April 13, 2005. Petitioner should submit a petition under 37 CFR 1.137(b). The petition fee of $750.00 submitted with the instant petition will be held to be applied towards a petition under 37 CFR 1.137(b). If petitioner does not wish to file said petition, a request for refund of the petition fee can 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 Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TONAWANDA NY 14150

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APR 0 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Clegg et al.	:	
Application No. 10/681,168	:	ON PETITION
Filed: October 9, 2003	:	
Attorney Docket No. 22081.00	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 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 an Amendment (previously submitted on May 5, 2006); (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.

This matter is being referred to Technology Center 3700 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

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JUN 12 2009

OFFICE OF PETITIONS

In re Patent No. 7,236,202
Issue Date: June 26, 2007
Application No. 10/681,188
Filed: October 9, 2003
Attorney Docket No. 031227

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed August 26, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner only submitted a petition fee of $130.00, whereas the petition fee for a petition under 37 CFR 1.182 for the above matter is $400.00. No authorization was provided to charge the $400.00 petition fee. See 37 CFR 1.17(f).

The request for refund of the $130.00 petition fee submitted with the above petition on August 26, 2008, is dismissed because Office records indicate that the Letters Patent was mailed on June 26, 2007. The letters patent was **not** returned to the USPTO. Additionally, the petition states that the firm of Armstrong, Kratz, Quintos, Hanson & Brooks, LLP, now renamed as Kratz, Quintos & Hanson, LLP, moved its offices to 1420 K Street N.W., Suite 400, Washington, D.C. 20005 on or about July 1, 2007, which is after the mailing of the Letters Patent on June 26, 2007. Therefore, no refund is in order.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

MAILED

JUL 21 2009

OFFICE OF PETITIONS

In re Patent No. 7,236,202	:	
Issue Date: June 26, 2007	:	
Application No. 10/681,188	:	DECISION ON PETITION
Filed: October 9, 2003	:	
Attorney Docket No. 031227	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed June 22, 2009, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

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In re Application of :
Jia, et al. :
Application No.: 10/681,209 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No: 62278-1404 :

This is in response to the petition under 37 CFR 1.137(b) filed November 21, 2006.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed November 16, 2005. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on February 17, 2006. A Notice of Abandonment was mailed on August 30, 2006.

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

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

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

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

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

The instant petition does not satisfy the requirements of item (3) above.

As to item (3) above, the statement of unintentional delay is deficient because the petition is not signed by both named inventors, the assignee, or the attorney of record. Further to this point, 37 CFR 1.33(b) provides that:

> *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter

The instant petition is only signed by inventor Kirk. In order for the statement of unintentional delay to be considered acceptable, a renewed petition must be filed that is signed by either both inventors Kirk and Jia, the assignee empowered by 37 CFR 3.73(b), or the attorney of record.

It is noted that the address as cite don the petition differs from the address of record. Although a courtesy copy of the decision is being mailed to the address as cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:

Donald Kirk
7 Coates Hill Court
Caledon Ontario Canada L7E 0N5

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

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OFFICE OF PETITIONS

In re Application of

Jia, et al. :

Application No. 10/681,209

: DECISION ON PETITION

Filed: October 9, 2003

:

Attorney Docket No. 62278-1404

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

The renewed petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 16, 2005, 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 February 17, 2006. A Notice of Abandonment was mailed on August 30, 2006.

The amendment filed November 21, 2006, is noted.

The application is being forwarded to Technology Center 1700, GAU 1754 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
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GWIPS
PETER T. KWON
P.O. BOX 231630
CENTERVILLE, VA 20120

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AUG 25 2006
OFFICE OF PETITIONS

In re Application of :
Myong-Hoon Lee, et al. :
Application No. 10/681,231 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. P3050/CNL :

This is a decision in response to the communication entitled "Request to Change Primary Inventor," filed May 18, 2005, which is being treated as a petition under 37 CFR 1.182 to change the order of the names of the inventors. The requisite $400 petition fee is being charged to counsel's deposit account using the general authorization to "charge any additional fee during the pendency of this application" filed October 9, 2003.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Myong-Hoon Lee
2. Won-Hie Choi

A Corrected Filing Receipt with the desired change in the order of the names of the inventors is enclosed.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

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CHARLES C.H. WU
98 DISCOVERY
IRVINE, CA 92618-3105

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JAN 2 7 2006

OFFICE OF PETITIONS

In re Application of	:
Chun-Te Yu	:
Application No. 10/681,239	: DECISION ON PETITION
Filed: October 9, 2003	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. EL-CFP00607	:

This is a decision on the petition, filed December 14, 2005 (and again on December 15, 2005), which 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 a prior-filed provisional application Application No. 60/443,331, filed January 29, 2003).

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 provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

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

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

Firstly, the petition lacks compliance with item (1) above. In this regard, the petition is not accompanied by a reference to the prior-filed application in an amendment to the first line of the specification, following the title, or by reference in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(a)(5). The amendment to include the prior-filed application in the first line of the specification cannot be a physical part of a petition, but must 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. Accordingly, a proper reference to the prior-filed application has not been submitted.

Secondly, it is noted that the inventor in provisional Application No. 60/443,331, the application to which priority is now sought, sets forth Cory O. Nykoluk as the sole inventor. The present application names Chun-Te Yu as the sole inventor. 37 CFR 1.78(a)(4) states:

> In order for an application to claim the benefit of one or more prior-filed provisional applications, each prior-filed provisional application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112.

Therefore, for the further reason that there is no common inventor in either the provisional application or the present nonprovisional application, it would be improper to grant the petition to accept the late claim for priority to the provisional application. *See* 37 CFR 1.48 for correction of inventorship in a patent application.

It is noted that duplicate fees for the instant petition were assessed to petitioner's credit card (possibly because of the duplicate filing of the petition). Accordingly, the duplicate $1,370 fee will be credited back to petitioner's credit card in due course.

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

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

Frances Hicks
Petitions Examiner
Office of Petitions

SPE D. Dayoan

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/681,275

Paper No.: _____

DATE : 8/5/05

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction on Patent No.: 6814394

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
Certificates of Correction Branch
Tel. No. 703-305-8309

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

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1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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In re Application of :
Lee et al. :
Application No. 10/681,324 :
Filed: October 9, 2003 :
Attorney Docket Number: :
1293.1942 : ON PETITION

This is a decision on the petition filed January 10, 2006, requesting previously filed terminal disclaimers be withdrawn. The delay in treating this petition is regretted.

The petition is granted.

Petitioner asserts that the terminal disclaimer filed December 10, 2005 included typographical errors rendering the terminal disclaimer possibly contradictory and unclear. As the Examiner has concurred, the requested relief has been favorably considered.

This application is being referred to Technology Center AU 1756 for correction of PALM and file records consistent with this decision.

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
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TIMOTHY J. KLIMA, ESQ.
HARBIN KING & KLIMA
500 NINTH STREET SE
WASHINGTON, DC 20003

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JAN 24 2007

OFFICE OF PETITIONS

In re Application of :
Stuart Lee, et al. :
Application No. 10/681,329 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 2560-0414 :

This is a decision in response to a communication filed October 10, 2006, transmitting a copy of a May 4, 2006 petition to revive the above-identified application under 37 CFR 1.137(b). The petition purportedly filed May 4, 2006 cannot be located; however, a decision on the copy of the petition follows.

The petition is **granted**.

The application became abandoned for a failure to pay the issue fee on or before March 8, 2006. A Notice of Abandonment was mailed on April 7, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Publications to be processed into a patent.

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 (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of
Alexander B. Meshkin, et al.
Application No. 10/681,331
Filed: October 9, 2003
Attorney Docket No. 026473-00001

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 28, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the practitioners were not appointed by customer number. In order to withdraw by customer number petitioner must have been appointed by customer number.

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

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

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

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ALEXANDER B. MESHKIN
BANG TECHNOLOGIES, LLC
160 GASELINE ALLEY
MOORESVILLE, NC 28117

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

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NOV 28 2007

OFFICE OF PETITIONS

In re Application of :
Yong Chae Jung et al :
Application No. 10/681,348 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 8733.923.00-US

This is a decision on the petition, filed November 21, 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 September 14, 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2629 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).

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Wellstat Management Company. LLC
LEGAL DEPARTMENT
930 CLOPPER ROAD
GAITHERSBURG, MD 20878

Mail Date: 04/21/2010

Applicant	: John H. Kenten	: DECISION ON REQUEST FOR
Patent Number	: 7662642	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/681,388	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **98** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Hollingsworth & Funk
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437

Mail Date: 04/21/2010

Applicant	: Marko H. Kokko	: DECISION ON REQUEST FOR
Patent Number	: 7627533	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/681,393	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **364** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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February 18, 2010

Steven R. Funk
Hollingsworth & Funk, LLC
8500 Normandale Lake Blvd.
Suite320
Minneapolis, MN 55437

Patent No: 7,627,533 B2
Application No: 10/681,393
Applicant: Marko H. Kokko
Issued: December 1, 2009
Title: **METHOD AND ARRANGEMENT FOR CONCEALING TRUE IDENTITY OF USER IN COMMUNICATIONS SYSTEM**

Request for Certificate Of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322 or 1.323.

The alleged error in column 1, line 14, is an editing change made in accordance with the style of the Invention Patent Manual.

In view of the foregoing your entire request is hereby **denied**.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

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DAVID G RASMUSSEN
8 HAZEL RD
HOPKINTON MA 01748

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JAN 25 2005

OFFICE OF PETITIONS

In re Application of :
Luther A. Johnson :
Application No. 10/681,404 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. RPD 0045 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 14, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Corrected Application Papers, mailed February 19, 2004, which set an extendable period for reply of two months for applicant to file replacement drawings. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, no reply to the Notice to File Corrected Application Papers having been received, the above-identified application became abandoned on April 20, 2004. A Notice of Abandonment was mailed on November 26, 2004.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of substitute drawings, and made the proper statement of unintentional delay.

Effective December 8, 2004, the small entity fee for a petition under 37 CFR 1.137(b) was increased to $750. Petitioner submitted $685. Accordingly, the $65 difference has been charged to petitioner's deposit account, as authorized.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

8388M&

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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NOV 12 2002

OFFICE OF PETITIONS

In re Application of
Sivik, et al.
Application No. 10/038,373
Filed: January 4, 2002
Atty. Dkt. No.: 8388&
Title: COMPOSITIONS AND METHODS FOR USING AMINE OXIDE MONOMERIC UNIT-CONTAINING POLYMERIC SUDS ENHANCERS

: DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed November 4, 2002.

The petition is **GRANTED**.

Petitioner has shown that inventor Dominic Wai-Kwing Yeung has refused to join in the filing of the above-identified application after having been presented with the application papers.

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.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

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

CENTRAL DOCKETING
Atty/GBU Contact: CBC/SDW
DATE REC'D NOV 15 2002
☐ FAX ☒ MAIL

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WASHINGTON, D.C. 20231
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DOMINIC WAI-KWING YEUNG
3661 GOLDEN ORCHARD DRIVE
MISSISSAUGA, ONTARIO
CANADA
L4Y 3J2

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NOV 1 2 2002

OFFICE OF PETITIONS

In re Application of
Sivik, et al.
Application No. 10/038,373
Filed: January 4, 2002
Atty. Dkt. No.: 8388&
Title: COMPOSITIONS AND METHODS FOR USING AMINE OXIDE MONOMERIC UNIT-CONTAINING POLYMERIC SUDS ENHANCERS

LETTER

Dear Sir:

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 C.F.R. § 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 as per 37 C.F.R. § 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 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. 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).

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

CC: THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

In re Application of	:	
Robb, et al.	:	
Application No. 10/681,442	:	DECISION
Filed: 8 October, 2003	:	
Attorney Docket No. SGI-6	:	

This is a decision on the petition filed on 22 May, 2007, and considered as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

It appears that the Revocation/Power of Attorney filed on 27 August, 2007, has been entered.

The Office regrets the delay in addressing this matter, however, the petition was presented to the attorneys in the Office of Petitions only at this writing.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Incomplete Reply mailed on 15 March, 2004 (the 15 March, 2004, Notice), with reply due absent extension of time on or before 31 January, 2004—the due date of the original Notice of Missing Parts;
- the application went abandoned after midnight 31 January, 2004
- the Office mailed the Notice of Abandonment on 30 April, 2007;

- on 22 May, 2007, Petitioner filed, *inter alia*, the instant petition with an averment and supporting documents including a date-stamped ("MAR 01 2004") receipt card evidencing that (prior to the mailing of the 15 March, 200, Notice) former Counsel had filed of record a Revocation/Power of Attorney, certificate under 37 C.F.R. §3.73(b) and Notice of Change of Address—and notwithstanding that filing the Office directed the 15 March, 2004, Notice to the address of the original Counsel of Record and the Office record reflects the accuracy of this averment.

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 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.[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.

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.[4]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See specifically, the regulations at 37 C.F.R. §10.18.

[2] 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.

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]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the basis for a petition seeking withdrawal of a holding of abandonment.[7] And the commentary at MPEP §711.03(c)(A) and (B) details the requirements therein. And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the burdens herein.

CONCLUSION

Petitioner appears to have satisfied the burdens herein, and the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 30 April, 2007, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Initial Patent Examination for further processing in due course.

---

[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.

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) 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

---

[8] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Crooks, et al.
Application No. 10/681,457
Filed: October 7, 2003
Attorney Docket No. 57070US037
For: AMIDO ETHER SUBSTITUTED IMIDAZOQUINOLINES

DECISION ON PETITION

This is a decision on the petition, filed March 1, 2004 (certificate of mailing date February 23, 2004), requesting that page 4 of the specification be accorded a filing date of October 7, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 7, 2003. On February 12, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that page 4 of the specification appeared to have been omitted.

Petitioners request that page 4 be accorded a filing date of October 7, 2003 on the basis that 79 pages of specification, including page 4, were received in the Patent and Trademark Office (PTO) on October 7, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing October 7, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 79 pages of specification.

The return postcard constitutes *prima facie* evidence that 79 pages of specification were filed on October 7, 2003. MPEP 503. A review of the application file reveals that there are only 78 pages of specification present. Page 4 is missing.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 7, 2003**, using the copy of page 4 submitted with the instant petition. Office records will be corrected to show that 79 pages of specification were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

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
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MAILED

JUN 18 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

CHARLES M. KAPLAN
30 N. NANAGOSA TRAIL
SUTTONS BAY, MI 49682

In re application of
Glenn Schrock
Application No. 10/681,463
Filed: October 09, 2003
For: FOLDING STEPS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(APPLICANT'S AGE)**
:

This is a decision on the petition submitted on October 09, 2003 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. Schrock 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/slb: 05/24/04

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

MICHAEL A. SHIPPEY, PH.D.
4848 Lakeview Avenue
Suite B
Yorba Linda, CA 92886

COPY MAILED

SEP 25 2006

OFFICE OF PETITIONS

In re Application of	:	
URMAN, et al.	:	
Application No. 10/681,472	:	DECISION ON PETITION
Filed: October 08, 2003	:	TO WITHDRAW
Attorney Docket No. 109.02-P-USA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 03, 2006.

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

A review of the file record indicates that the power of attorney to MICHAEL A. SHIPPEY, PH.D. has been revoked by the assignee of the patent application on September 06, 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 Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Paul A. Farrar	: DECISION ON REQUEST FOR
Patent Number	: 7645344	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/681,481	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1014** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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MAY 11 2006
OFFICE OF PETITIONS

In re Application of :
Vyvoda et al. :
Application No. 10/681,507 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket Number: 3558P027D :
Title of Invention: Electronically Isolated Pillars in Active Devices :

This is a decision on petition under 37 CFR 1.137(b), filed April 27, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper reply to a final Office Action pursuant to 37 CFR §1.113. The final Office Action was mailed on June 14, 2005 and set a three (3) month shortened statutory period for reply. An amendment was submitted on August 23, 2005. In response to the amendment an Advisory Action was mailed on October 3, 2005 indicating the amendment submitted on August 23, 2005 did not place the application in condition for allowance. Accordingly, this application became abandoned on September 15, 2005. A Notice of Abandonment was mailed on April 25, 2006.

This petition is hereby **Granted**.

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.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and 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.

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Pamela J. Squyres
3230 Scott Blvd.
Santa Clara, CA 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

COPY MAILED

FEB 2 0 2007

OFFICE OF PETITIONS

In re Application of :
Gu, et al. :
Application No. 10/681,509 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. SAND-01135US0 :

This is a decision on the "Petition for Change to Order of Inventors' Names" under 37 CFR 1.182 filed December 22, 2006.

The petition is **granted**.

The order of the names of the inventors has been changed to the following:

1. Shuo Gu
2. James Cleeves

The application file is being forwarded to the Office of Patent Publications for processing into a patent.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,509	10/07/2003	2814	2514	SAND-01135US0	5	62	11

CONFIRMATION NO. 9643

64948
VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

CORRECTED FILING RECEIPT

OC000000022499791

Date Mailed: 02/14/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Shuo Gu, Fremont, CA;
James M. Cleeves, Redwood City, CA;

Assignment For Published Patent Application

Matrix Semiconductor, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **64948**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/681,509

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD OF UNIFORM SEEDING TO CONTROL GRAIN AND DEFECT DENSITY OF CRYSTALLIZED SILICON FOR USE IN SUB-MICRON THIN FILM TRANSISTORS

Preliminary Class

438

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).

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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

Mail Date: 04/21/2010

Applicant	: Peter M. Bonutti	: DECISION ON REQUEST FOR
Patent Number	: 7635390	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/681,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **617** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

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FROM DIRECTORS OFFICE

DEC 0 3 2004

TECHNOLOGY CENTER 3600

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re application of
Neil Evan Goodzeit et al.
Application No. 10/681,532 : DECISION ON REQUEST
Filed: October 08, 2003 : FOR WITHDRAWAL OF
For: SYSTEM AND METHOD FOR INCREASING : ATTORNEY
THE ROLL OFFSET OPERATING RANGE FOR
A SPACECRAFT

This is a decision on the request filed on March 18, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

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

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the power of attorney has already been withdrawn as per the Notice to that effect of June 3, 2004.

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb: 11/29/04

cc: MCDERMOTT, WILL, & EMERY
18191 VON KARMAN AVENUE., SUITE 400
IRVINE, CA 92612-0187

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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FROM DIRECTORS OFFICE

DEC 0 7 2004

TECHNOLOGY CENTER 3600

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

In re application of
Neil Evan Goodzeit et al.
Application No. 10/681,532 :
Filed: October 08, 2003 :
For: SYSTEM AND METHOD FOR INCREASING THE ROLL OFFSET OPERATING RANGE FOR A SPACECRAFT :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on May 18, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

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

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the power of attorney has already been withdrawn as per the Notice to that effect of June 03, 2004.

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb: 11/29/04

cc: McDermott Will & Emery LLP
18191 Von Karman Avenue
Suite 400
Irvine, CA 92612-0187

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : February 7, 2006

Werner H. Stemer
LERNER GREENBERG STEMER, LLP
P. O. Box 2480
Hollywood, FL 33022-2480

Patent No: 6979377 B2
Application No: 10/681534
Applicant: Bunis et al.
Issued: December 27, 2005
Title: **METHOD FOR PRODUCING COMPONENTS FROM FIBER-REINFORCED COMPOSITE CERAMIC AND METHODS FOR USING THE COMPONENTS**

Request for Certificate Of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

Inspection of columns 3 and 4, of the application for the above patent reveals that the errors mentioned in your request are in fact 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 issue a certificate of correction under the provision of 1.322.

In view of the foregoing your request in these matters are hereby **denied**.

However, further consideration will be given to these matters, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee, which is presently $100.

Virginia Tolbert
For Cecelia Newman, Supervisor
Decisions and Certificate of Correction
(703) 308-8309 or (703) 308-9390 ext. 113

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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December 7, 2006

Werner H. Stemer
LERNER GREENBERG STEMER, LLP
P. O. Box 2480
Hollywood, FL 33022-2480

Patent No: 6979377 B2
Application No: 10/681534
Applicant: Bunis et al.
Issued: December 27, 2005
Title: **METHOD FOR PRODUCING COMPONENTS FROM FIBER-REINFORCED COMPOSITE CERAMIC AND METHODS FOR USING THE COMPONENTS**

Request for Certificate Of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

Inspection of columns 3 and 4, of the application for the above patent reveals that the errors mentioned in your request are in fact 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 issue a certificate of correction under the provision of 1.322.

In view of the foregoing your request in these matters are hereby again **denied**.

Attached is a copy of the pages of your specification that was received in our office.

However, further consideration will be given to these matters, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee, which is presently $100.

Virginia Tolbert
For Cecelia Newman, Supervisor
Decisions and Certificate of Correction
(703) 308-8309 or (703) 308-9390 ext. 113

vt

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DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

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SEP 16 2004

OFFICE OF PETITIONS

In re Application of :
Christopher J. Diorio, et al. :
Application No. 10/681,577 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. IMP-J-0004 033327-000036 :

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**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 0 8 2009

OFFICE OF PETITIONS

LAW OFFICE OF SANFORD J ASMAN
570 VININGTON CT
ATLANTA GA 30350-5710

In re Application of :
Thomas L. Barnhart et al. :
Application No. 10/681,587 : DECISION ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. 170707-1016 :

This is a decision on the petition filed February 11, 2009, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed July 31, 2007 be withdrawn. The $400 petition fee has been received.

The petition is **granted**.

Petitioners assert (in comments presented in an amendment filed concurrent with this petition), that it was discovered that the reference, US patent no. 6,629,888, which was applied in the obvious double patenting rejection was not commonly owned with the instant application. A review of the file shows that the double patenting rejection set forth in the November 22, 2006 non-final Office action was, in fact, a statutory double patenting rejection under 35 USC 101. This is NOT an obviousness type double patenting rejection and the Office action clearly indicated that the filing of a terminal disclaimer cannot overcome this rejection. Therefore, the terminal disclaimer is not and was not needed. Accordingly the terminal disclaimer is withdrawn. USPTO records for the above identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to Carl Friedman at (571) –272-6842.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES IA 50309-3993

COPY MAILED

MAY 2 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Sherzan et al.	:	DECISION REFUSING STATUS
Application No.10/681,599	:	UNDER 37 CFR 1.47(a)
Filed: October 8, 2003	:	
Attorney Docket No. 454490-15306	:	
Title of Invention: METHOD OF PROVIDING INDEXED CERTIFICATES OF DEPOSIT	:	

This is in response to the petition filed April 9, 2003, under 37 C.F.R. §1.47(a).

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

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(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 C.F.R. §1.136(a).

The above-identified application was filed on April 9, 2004, without a signed oath or declaration. Accordingly, on January 5, 2004, a "Notice to File Missing Parts of Application" was mailed requiring, for the purposes of this decision, an executed oath or declaration and a $65.00 surcharge for its late filing.

In response, on April 9, 2004, submitted a petition, the $65.00 surcharge for late filing oath or declaration fee, and a partially executed declaration naming Michael Sherzan and Kevin Murray as joint inventors. To make timely a one month extension of time was provided. However, a review of the transmittal form which contains the certificate of mailing indicates the mailing date of April 6, 2004. The one month extension of time submitted with the petition provided petitioner with a response period of April 5, 2004. Since the petition and accompanying documents contains a certificate of mailing of April 6, 2004 an additional month is required. Accordingly the $55.00 submitted for the one month extension of time is being applied to the two month extension of time fee in the amount of $210.00. The $155.00 balance will be charged to deposit account 12-2250.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a

statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1).

As to item (1), Rule 47 applicant has failed to show that the non-signing inventor refused to sign the declaration after having been presented with the application papers. Rule 47 applicant indicates that inventor Murray refused to sign the declaration . However, rule 47 applicant did not indicate a copy of the application papers (specification, including claims, drawings, and oath or declaration) was presented to the non-signing inventor. Before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). If the application papers were sent to inventor Murray a statement to that effect should be provided.

Thus on renewed petition, rule 47 applicant must establish the **entire** application package (including specification, claims and drawings) was presented to the non-signing inventor and he refused to sign.

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 delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office 2011 South Clark Place 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) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART LLP
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 02109

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of

Eckman, et al.

Application No. 10/681,609

Filed: October 8, 2003

Attorney Docket No. 07039-281002

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 1, 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 May 6, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No extensions of time were obtained within the allowable period. Accordingly, the application became abandoned on August 6, 2004. A Notice of Abandonment was mailed on December 2, 2004.

The amendment filed July 1, 2005, is noted.

"The Revocation of Previous Powers of Attorney and Appointment of Attorney under 37 CFR 3.71" filed July 1, 2005, is also noted and made of record.

The application is being forwarded to Technology Center 1600, GAU 1654 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

Enclosure: "Notice of Acceptance of Power of Attorney"
"Notice Regarding Change of Power of Attorney"

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, PA.
255 SO. ORANGE AVENUE, SUITE 1401
ORLANDO, FL 32802-3791

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MAR 0 7 2008

OFFICE OF PETITIONS

In re Application of :
EWERS, Ronald :
Application No. 10/681,617 :
Filed: October 8, 2003 :
Attorney Docket No. **32350.UT** :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 8, 2007, to revive the above-identified application.

The application became abandoned for failure to timely pay the issue fee on or before April 5, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2003. Accordingly, the date of abandonment of this application is April 6, 2007.

The petition is **DISMISSED.** It appears to be filed by a patent practitioner acting in a representative capacity; however, the petition does not set forth petitioner's correct registration number.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a Representative capacity under the provisions of § 1.34(a);

* * *

37 CFR 1.34 states:

> "When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

Further, 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 requisite petition fee and issue fees have been submitted. However, this petition does not comply with 37 CFR 1.137(b) since the petition lacks item (3).

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. Therefore, the statement of unintentional delay in an improperly filed petition cannot be accepted.

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 Monica A. Graves at (571) 272-7253.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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255 S. ORANGE AVENUE, SUITE 1401
ORLANDO, FL 32802-3791

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JUL 10 2008

OFFICE OF PETITIONS

In re Application of :
EWERS, Ronald :
Application No. 10/681,617 :
Filed: October 8, 2003 :
Attorney Docket No. **32350.UT** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 20, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue fee on or before April 5, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2007. Accordingly, the date of abandonment of this application is April 6, 2007.

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 $700, (2) the petition fee of $750; and (3) an adequate 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 the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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255 S. ORANGE AVENUE, SUITE 1401
ORLANDO, FL 32802-3791

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JUL 10 2008

OFFICE OF PETITIONS

In re Application of :
EWERS, Ronald :
Application No. 10/681,617 :
Filed: October 8, 2003 :
Attorney Docket No. 32350.UT :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 20, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue fee on or before April 5, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2007. Accordingly, the date of abandonment of this application is April 6, 2007.

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 $700, (2) the petition fee of $750; and (3) an adequate 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 the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 2 0 2006
OFFICE OF PETITIONS

JOHN H. SHADDUCK
1490 VISTAZO WEST
TIBURON, CA 94920

In re Application of
John H. Shadduck
Application No. 10/681,625
Filed: October 7, 2003
Attorney Docket No. S-TT-00100

ON PETITION

This is a decision on the petition, filed June 29, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 10, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on June 14, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay[1].

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 3739 for consideration of the response filed June 29, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

UNITED STATES 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 HARRY J. MACEY
COURT HOUSE PLAZA, SUITE 410
260 SHERIDAN AVENUE
PALO ALTO, CA 94306

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MAR 21 2008

OFFICE OF PETITIONS

In re Application of	:	
John H. SHADDUCK	:	
Application No. 10/681,625	:	DECISION ON PETITION
Filed: October 7, 2003	:	TO WITHDRAW
Attorney Docket No. TSMTNT00100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Law Office of Harry J. Macey, has been revoked by the assignee of the patent application on February 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MR. JOHN H. SHADDUCK
350 SHARON PARK DRIVE #823
MENLO PARK, CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

In re Application of :
Carl H. June :
Application No. 10/681,627 :
Filed: October 8, 2003 :
Attorney Docket No. WYS-01402 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 DeAnn F. Smith on behalf of all attorneys of record who are associated with Customer No. 25181.

All attorneys/agents associated with Customer Number 25181 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed April 9, 2009 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: U.S.A. Represented By The Secretary Of The Chief Of Naval Research
Attn: Charles Schlagel
Naval Medical Research Center
503 Robert Grant Avenue
Silver Spring, MD 20910

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIAN M. MATTSON
PATENTS + TMS
2849 W. ARMITAGE AVE
A PROFESSIONAL CORPORATION
CHICAGO IL 60647

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Koeller, David	:	
Application No. 10/681,635	:	DECISION ON PETITION
Filed: October 8, 2003	:	
Attorney Docket No. KOE-P-03-001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, (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 3611 for further examination on the merits.

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
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Brian M. Mattson
Patents + TMS
2849 W. Armitage Avenue
A Professional Corporation
Chicago, IL 60647

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OFFICE OF PETITIONS

In re Application of	:	
David Koeller	:	
Application No. 10/681,635	:	DECISION ON PETITION
Filed: October 8, 2003	:	TO WITHDRAW
Attorney Docket No. KOE-P-03-001	:	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 November 23, 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 Brian M. Mattson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David Koeller at the address indicated below.

The application is awaiting decision from the Board of Appeals.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David Koeller**
1160 South Wesley Avenue
Oak Park, IL 60304

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
10/681,635	10/08/2003	David Koeller	KOE-P-03-001

CONFIRMATION NO. 6112

POWER OF ATTORNEY NOTICE

BRIAN M. MATTSON
PATENTS + TMS
2849 W. ARMITAGE AVE
A PROFESSIONAL CORPORATION
CHICAGO, IL 60647

Date Mailed: 02/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/23/2009.

- 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.

/tsjohnson/

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
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DEC 19 2005

Douglas D. Fekete
Delphi Technologies, Inc.
Legal Staff—M/C 480-410-202
P.O. Box 5052
Troy, MI 48007-5052

In re Application of
David F. Reuter et al.
Application No. 10/681,638
Filed: October 8, 2003

: **DECISION ON PETITION**
: **TO WITHDRAW THE**
: **HOLDING OF ABANDONMENT**
:

For: FAILSAFE OPERATION OF A HYBRID BRAKE SYSTEM FOR A VEHICLE

This is a decision on the Petition to Withdraw the Holding of Abandonment filed in the United States Patent and Trademark Office on February 14, 2005.

The petition is **GRANTED** in view of the following evidence of timely filing:

☐ Postcard receipt being 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 November 24, 2004.

This application is being forwarded to the Supervisory Legal Instruments Examiner for withdrawal of the abandonment and then to the examiner for prompt action.

RAR/js: 7/29/05

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
TECHNOLOGY CENTER 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 12 2007

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

WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

In re Application of	:
Kaup et al.	:
Serial No.: 10/681,658	: PETITION DECISION
Filed: October 8, 2003	:
Attorney Docket No.: AM100257	:

This is in response to the petition under 37 CFR § 1.181, filed on November 13, 2006, regarding relief from the decision of the examiner to make final the Office action of July 19, 2006.

BACKGROUND

A review of the file history shows that the examiner mailed a restriction requirement on February 2, 2006 restricting claims 1–4 into groups I and II. On February 21, 2006 applicants responded by electing group I, claims 1-3, with traverse.

The examiner mailed a non-final Office action to applicants on April 12, 2006, setting forth a three-month shortened statutory period for reply wherein the restriction was maintained and claims 1-3 were rejected. Claims 2 and 3 were rejected under 112, second paragraph as indefinite; claim 1 was rejected under 35 U.S.C. 102(b) as clearly anticipated by Orrhage et al. or Kamarei et al.; and claims 1-3 were under 35 U.S.C. 103 as obvious over Orrhage et al. taken with ATCC Catalogue and Cai et al.

Applicants replied on June 7, 2006 and narrowed the scope of the original claims and added new claims 5-9. Claim 4 was withdrawn from consideration. Applicants argued each of the rejections set forth.

In response to applicants' remarks, the examiner mailed a final Office action on July 19, 2006 setting forth a three-month shortened statutory period for reply in which claims 1-3 and 5-9 were rejected and claim 4 was withdrawn from consideration. In this Office action, claims 8-9 were rejected under 35 U.S.C. 112, first paragraph; claims 6-9 were rejected under 35 U.S.C. 112, second paragraph as indefinite; claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by Luchansky et al.; and claims 1-3 and 5-9 were rejected under 35 U.S.C. 103 as obvious over

Luchansky et al. taken with Orrhage et al., ATCC Catalogue and Cai et al. The examiner made this action Final, and indicated applicants' amendment had necessitated the new grounds of rejection.

On October 16, 2006 applicants filed a Notice of Appeal and an amendment after final which was indicated as "not entered" on October 30, 2006.

In response thereto, applicants filed this petition on November 13, 2006 requesting relief from the finality of the Office action of July 19, 2006.

DISCUSSION

Applicants argue that the examiner has *erroneously* stated that the new rejection of Luchansky et al. was necessitated by applicants' amendment. This argument has been carefully considered but it is not persuasive as applicants clearly narrowed the scope of the claims from a nutritional composition to an infant formula. Although the specification may set forth a specific embodiment, the examiner is required to search the claimed invention which was not, in this instance, directed to an infant formula. Therefore, a search of the broadly recited "nutritional composition" would not necessarily lead one to the infant formula now claimed.

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.

Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

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APR 22 2005

OFFICE OF PETITIONS

In re Application of :
Gianfranco Bianchi :
Application No. 10/681,668 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. 47966.3.0 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 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 non-final Office action mailed May 21, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 22, 2004.

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

This matter is being referred to Technology Center 3617.

Wan Laymon
Petitions Examiner
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
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,669	10/07/2003	1642	385	2598-4000US4	32	1	1

CONFIRMATION NO. 7579

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

CORRECTED FILING RECEIPT

OC000000011966370

Date Mailed: 02/25/2004

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)

Arthur J. Blume, Montclair, NJ;

Domestic Priority data as claimed by applicant

This application is a CON of 09/412,831 10/05/1999 ABN
which is a DIV of 08/473,105 06/07/1995 PAT 6,010,861
which is a CIP of 08/286,084 08/03/1994 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

Projected Publication Date: 04/15/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Target specific screens and their use for discovering small organic molecular pharmacophores

Preliminary Class

435

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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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INSULET CORPORATION
9 OAK PARK DRIVE
BEDFORD, MA 01730

COPY MAILED

MAR 2 3 2006

OFFICE OF PETITIONS

In re Application of	:	
J. Christopher Flaherty	:	
Application No. 10/681,688	:	
Deposited: October 8, 2003	:	DECISION ON
For: FLOW CONDITIONS SENSOR ASSEMBLY	:	PETITION
FOR PATIENT INFUSION DEVICE	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181, filed January 30, 2006.

The Petition is **dismissed**.

Any further petition to revive the above-identified application 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." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

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 20, 2005. The Notice set a non-extendable three (3) month period for reply.

Applicant responded with an authorization to charge his deposit account the issue and publication fee; however, the deposit account contained insufficient fee to pay the issue fee. Accordingly, the application became abandoned on October 20, 2005. A Notice of Abandonment was mailed November 29, 2005.

Petition under 37 CFR 1.181

Applicant files the instant petition wherein Applicant avers timely payment of the issue fee. Applicant is advised that the correspondence - issue fee transmittal form and facsimile coversheet - were received in this Office on October 20, 2005h however, Applicant's deposit account contained insufficient funds.

Accordingly, the petition is dismissed.

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: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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

INSULET CORPORATION
9 Oak Park Drive
Bedford, MA 01730

In re Application of :
Christopher J. Flaherty :
Application No. 10/681,688 :
Filed: October 8, 2003 :
Title of Invention: :
FLOW CONDITION SENSOR ASSEMBLY :
FOR PATIENT INFUSION DEVICE :

COPY MAILED
JUN 23 2006
OFFICE OF PETITIONS

This is a decision on the Renewed Petition under 37 CFR § 1.181, filed May 23, 2006, to revive an unavoidably abandoned application.

The Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee Due, mailed July 20, 2005. The Notice set a non-extendable shortened statutory period for reply of three (3) months from the mail date of the Notice. No reply having been received, the application became abandoned October 21, 2005. A Notice of Abandonment was mailed on November 29, 2005.

A petition to withdraw the holding of abandonment was dismissed in a Decision mailed March 23, 2006, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

With the instant petition, Applicant has demonstrated timely submission of the funds to his deposit account for payment of the issue fee.

The issue fee has been charged to Applicant's deposit account as authorized in the issue fee transmittal form, filed October 20, 2005.

The application is being forwarded to Publishing Division for processing into a patent.

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,694	10/07/2003	2612	982	1232-5173	16	27	4

CONFIRMATION NO. 5889

27123
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

CORRECTED FILING RECEIPT

OC000000013692242

Date Mailed: 09/02/2004

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)

Akihiko Shiraishi, Tokyo, JAPAN;
Kota Terayama, Kanagawa, JAPAN;
Yasuyoshi Miyazaki, Tokyo, JAPAN;

Power of Attorney:

Joseph Calvaruso–28287

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2002-296123 10/09/2002
JAPAN 2002-374525 12/25/2002

If Required, Foreign Filing License Granted: 01/02/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/681,694

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Image sensing apparatus, image sensing method, program for realizing the image sensing method, and storage medium which stores the program

Preliminary Class

348

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.

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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

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

11/28/03

Stephanie M. Mansfield
Brooks Kushman P.C.
1000 town Center, 22nd Floor
Southfield, MI 48075-1238

Dear Applicant:

The Box PGPub replacement drawings for application number 10/681695 received on 10/30/03 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, at 703 605-4283.

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

Mail Date: 04/20/2010

Applicant	: Balachandar Varatharajan	: DECISION ON REQUEST FOR
Patent Number	: 7595124	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/681,704	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/09/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1288** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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THOMAS L MOSES
LEGAL DEPARTMENT M-495
PO BOX 1926
SPARTANBURG SC 29304

COPY MAILED

JUL 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Nord, et al.	:	
Application No. 10/681,726	:	DECISION GRANTING PETITION
Filed: October 8, 2003	:	
Attorney Docket No. 5584	:	
Title: Fabric With Odor-Receiving Layer	:	

This is a decision on the "PETITION FOR ENTRY OF SUBSTITUTE SPECIFICATION, INCLUDING CLAIMS", filed May 1, 2006, to accord the above-identified application a filing date of October 8, 2003, with the 19 pages of specification (including 45 claims) filed on October 19, 2005 as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on October 8, 2003. However, the pages of specification in the application file (including claims and abstract) are identical to those of another of applicants' applications, no. 10/681,412, also filed on October 8, 2003, entitled "Modular Area Rug System". The transmittal letter and the drawings in the instant application, however, are consistent with what applicants claim to have filed. Applicants contend that the specification as originally filed was mis-scanned or misplaced by the PTO.

The PTO file is the official record of papers originally filed in this application. 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.

On petition, petitioner has submitted a USPTO date stamped receipt, itemizing that 19 pages of specification were received in the instant application on October 8, 2003.

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.[1]

Accordingly, it is concluded that the Office misplaced the 19 pages of specification.

As such, the 19 pages of specification filed on October 19, 2005 will be entered into the application.

Given the basis for granting this petition, the $400 petition fee was not required, and has not been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 8, 2003, using the application papers received in the Office on that date and the 19 pages of substitute specification as re-supplied on October 19, 2005, including 45 claims and 1 page of abstract, and for indication in Office records that 19 pages of specification were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/681,726	10/08/2003	Thomas D. Nord	5584

Thomas L. Moses
Legal Department, M-495
PO Box 1926
Spartanburg SC 29304

DATE MAILED: March 27, 2007

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) filed on March 26, 2007, 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:

- ☐ 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).
- ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAHNA S. PASTERNAK
ROBINS & PASTERNAK LLP
1731 EMBARCADERO ROAD, SUITE 230
PALO ALTO, CA 94303

In re Application of	:	
Philipp Lang et al.	:	DECISION ON PETITION
Serial No. : 10/681,750	:	TO ACCEPT
Filed : October 7, 2003	:	COLOR PHOTOGRAPHS
For: MINIMALLY INVASIVE JOINT IMPLANT	:	
WITH 3-DIMENSIONAL GEOMETRY	:	
MATCHING THE ARTICULAR SURFACES	:	

This is a decision on petitioner's request filed March 1, 2004 to accept color photographs.

Under 37 CFR 1.84(b)(2) color photographs will be accepted in utility applications if : (a) a fee as set forth in 37 CFR 1.17(h) is submitted; (b) three (3) sets of color drawings are provided; (c) a black and white photocopy accurately depicting, to the extent possible, the subject matter shown in the color drawing is submitted; and (d) the specification is amended by inserting as the first paragraph of the brief description of the drawings the following language:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Applicant has complied with the above requirements. Accordingly, the petition to accept color photographs is GRANTED.

Summary: Petition to accept color photographs granted.

Corrine McDermott, SPE
Art Unit 3738
Phone: (703) 308-2111

UNITED STATES 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 DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

COPY MAILED

DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth M. Comess, et. al. :
Application No. 10/681,784 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. 6983US02 :

This is a decision on the petition under 37 CFR 1.137(b), filed on August 28, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to respond to the non-final Office action mailed September 19, 2005. A Notice of Abandonment was mailed on May 4, 2006.

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

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 1626, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : November 05,2007

TO SPE OF : ART UNIT 3766

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/681,812 Patent No.: 7244225 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: Please enter changes to Column 25, lines 4 thru 38 and all changes to Column 26.—

Changes to the dependency of claims 13-16 (Column 25, lines 53, 57, 60, and 63) were denied since these changes would change the scope of the claims.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Carl N. Layno 3766

CARL LAYNO
PRIMARY EXAMINER
SPE, AU3766

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6893716
Issue Date: May 17,2005
Application No. 10681835
Filed: October 7,2003
Attorney Docket No. WPI03-02

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 23,2009 ,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 September 23,2009 . 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.

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)
6893716	2005-05-17	10681835	2003-10-07	WPI03-02

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	/Marlo M. Schepper/	Date (YYYY-MM-DD)	2009-09-23
Name	Marlo M. Schepper	Registration Number	57194

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper N .: _____

DATE : 6/26/2006

TO SPE OF : ART UNIT 3600 (3611)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,025,367

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 – 2900 South Tower ste.9A43A
Palm location **7580** - Tel. No. 305-8309

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

X **Ok to make changes claims 1 & 10? Delete "having" to –comprising-- as req. in C of C?**

Ernest C. White, LIE (703) 308-9390x122

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:

Lesley D Morris — SPE

3611 — Art Unit

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,843	10/08/2003	1762	1294	200308123-5	13	30	7

CONFIRMATION NO. 7153

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

CORRECTED FILING RECEIPT

OC000000013196448

Date Mailed: 07/09/2004

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)

Eugenia Atakov, Acton, MA;
Adam Shepela, Bolton, MA;
Lawrence Bair, Littleton, MA;
John Clement, Westboro, MA;
Bruce Gieseke, Ashland, MA;

Domestic Priority data as claimed by applicant

This application is a CON of 09/735,566 12/12/2000 PAT 6,678,951
which is a DIV of 09/316,916 05/20/1999 PAT 6,245,996
which is a CON of 08/722,532 09/27/1996 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 01/02/2004

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Electrical interconnect structure and method of forming electrical interconnects having electromigration-inhibiting segments

Preliminary Class

427

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).

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 500
1200 – 19TH STREET, NW
WASHINGTON, DC 20036-2402

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AUG 30 2007

OFFICE OF PETITIONS

In re Application of :
Mark D. Bednarski et al :
Application No. 10/681,855 : ON PETITION
Filed: October 7, 2003 :
Attorney Docket No. RADO-001/02US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 4, 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 Restriction Requirement, mailed September 22, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 23, 2006.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The person signing the instant petition also requests a change of correspondence address to the address given in the instant petition. There is, however, 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.

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

This matter is being referred to Technology Center AU 1614 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Richard F. Trecartin
Morgan Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105

cc: Cooley Godward Kronish LLP
3000 El Camino Real
5 Palo Alto Square
Palo Alto, CA 94306

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United States Patent and Trademark Office
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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - ALTERA
ATTN: ALTERA
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 05/14/2010

Applicant	: Andrew Crosland	: DECISION ON REQUEST FOR
Patent Number	: 7657689	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/681,860	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **78** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WWW.USPTO.GOV

McANDREWS HELD & MALLOY LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

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MAR 15 2004

OFFICE OF PETITIONS

In re Application of :
Patrick C. Lilley :DECISION DISMISSING PETITION
Application No. 10/681,861 :FOR SUSPENSION OF RULE
Filed: October 8, 2003 :
Attorney Docket No. 14123US02 :

This is a decision on the petition filed on February 2, 2004, which is being treated as a petition requesting that the requirement of 37 CFR 1.213(a)(1) be waived or suspended pursuant to 37 CFR 1.183 in order to file a nonpublication request after the filing of the above-identified application. The petition was accompanied by a petition fee of $130.

The petition is dismissed.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. 35 U.S.C. 122(b) requires the United States Patent and Trademark Office (USPTO) to publish utility and plant applications filed on or after November 29, 2000, unless applicant makes a nonpublication request upon filing. The requirement that a nonpublication request must be made upon filing of the application is set forth in the statute. See 35 U.S.C. 122(b)(2)(B)(i). Therefore, the USPTO does not have the authority to waive this requirement. Accordingly, the nonpublication request filed with the petition will not be recognized. The projected publication date of this application will be determined upon completion of the pre-examination processing of this application.

If applicant desires to avoid publication of the above-identified application, he may file a continuation application under 37 CFR 1.53(b) claiming benefit to the above-identified application under 35 U.S.C. 120 with a nonpublication request and, thereafter, abandon the above-identified application by filing a petition under 37 CFR 1.138(c) for express abandonment to avoid publication, including a petition fee

($130.00). This petition should be mailed to Box PGPUB-ABD or fax to the Pre-Grant Publication Division at (703) 305-8568.

Telephone inquiries regarding this communication should be directed to the undersigned at 703-305-8680.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 20 2007

OFFICE OF PETITIONS

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

In re Application of :
Stephan W. Wegerich, et. al. :
Application No. 10/681,888 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 086470-9037-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed on April 27, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed August 4, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of one (1) sheet of replacement drawing containing Figure 4, an affidavit in support of response, an amendment to the specification and a power of attorney,all filed on April 27, 2007.

This application file is being referred to Technology Center Art Unit 2857, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/681,888	10/09/2003	Stephan W. Wegerich	086470-9037-01

CONFIRMATION NO. 9577

OC000000024919795

22242
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Date Mailed: 07/19/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2007.

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

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

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DIW Nov-07

TIEN-JUI CHI
P. O. BOX NO. 6-57, JUNGHE
TAIPEI 235
TAIWAN

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NOV 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Tien-Jui Chi	:	DECISION ON PETITION TO
Application Number: 10/681897	:	WITHDRAW HOLDING OF
Filing Date: 10/10/2003	:	ABANDONMENT
For: GRIP TAPE FOR GOLF CLUB	:	

This is a decision on the petition filed on 12 September, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 2 July, 2004, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 10 February, 2005.

Petitioner asserts that the Office action mailed on 2 July, 2004, was never received.

The evidence of record is sufficient to establish non-receipt of the non-final Office action.

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

The application file is being referred to the Technology Center Technical Support Staff for remailing of the non-final Office action mailed on 2 July, 2004. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 10, 2006

TO SPE OF : ART UNIT 1713

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/681909 Patent No.: 6,986,947

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.

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

Comments: _____

_____

_____

_____

_____

_____ 1796

SPE **Art Unit**

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,910	10/09/2003	2171	986	RSW920030213US1	10	32	3

CONFIRMATION NO. 6409

23550
HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

CORRECTED FILING RECEIPT

OC000000012093477

Date Mailed: 03/15/2004

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)

Jana H. Jenkins, Raleigh, NC;

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: 01/15/2004

Projected Publication Date: 04/14/2005

Non-Publication Request: No

Early Publication Request: No

Title

Computer-implemented method, system and program product for reviewing a message associated with computer program code

Preliminary Class

707

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).

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

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NOV 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Michel J. Adrien Baillargeon	:	
Application No. 10/681,947	:	DECISION ON PETITION
Filed: 9 October, 2003	:	
Atty Docket No. 2003P15605US01	:	

This is a decision on the petition filed on 29 September, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

---

[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 petition is **GRANTED**.

The application became abandoned on 6 June, 2005, for failure to timely file corrected drawings as required by the Notice Regarding Drawings, which set a one (1) month shortened period for reply. Notice of Abandonment was mailed on 17 August, 2005.

The corrected drawings have been submitted.

This application is being referred 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

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Paper No.

MICHAEL A. FORHAN
THOMPSON HINE LLP
2000 COURTHOUSE PLAZA N.E.
10 WEST SECOND STREET
DAYTON, OH 45402-1758

COPY MAILED

MAY 05 2004

OFFICE OF PETITIONS

In re Application of :
Ralph A. Kalies :
Application No. 10/681,954 :
Filed: October 8, 2003 : DECISION GRANTING
Title of Invention: MEHOD FOR : STATUS UNDER
STORING AND REPORTING PHARMACY DATA : 37 CFR 1.47(b)

This is in response to a petition under 37 CFR 1.47(b), filed March 30, 2004, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors. The one (1) month extension of time requested is hereby granted.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Ralph A. Kalies, refuses to join in the application.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventors 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

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Alexandria, VA 22313-1450
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THOMPSON HINE
2000 COURTHOUSE PLAZA NE
10 WEST SECOND STREET
DAYTON, OH 45402

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JUL 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Ralph F. Kalies :
Application No. 10/681,955 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. 036806.00432 :

This is in response to the petition under 37 C.F.R. 1.47(b), filed March 30, 2004.

The petition is dismissed.

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 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).

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 (2) set forth above.

As to item (2), the declaration submitted with the petition lacks compliance with 37 CFR 1.63 and 1.64. The signature block for Ralph F. Kalies is missing. Accordingly, an oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Kalies is required. See MPEP 409.03(a).

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 Window located at:

U.S. Patent and Trademark Office
220 20th street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to Wan Laymon at (703) 306-5685.

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
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THOMPSON HINE L.L.P
2000 COURTHOUSE PLAZA, N.E.
10 WEST SECOND STREET
DAYTON, OH 45402

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DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Ralph F. Kalies :
Application No. 10/681,955 : DECISION ACCORDING STATUS
Filed: October 8, 2003 : UNDER 37 CFR 1.47(b)
For: METHOD FOR PROCESSING AND :
ORGANIZING PHARMACY DATA :

This is a decision on the petition filed October 4, 2004, requesting reconsideration of a decision mailed July 30, 2004, which refused to accord 37 CFR 1.47(b) status to the above-identified application.

The petition is granted.

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

Petitioner has demonstrated that the non-signing inventor refuses to sign the application. Specifically, petitioner established that the nonsigning inventor, Ralph F. Kalies, refuses to sign the declaration after being sent a copy of the above-identified application and declaration.

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.

The second petition fee of $130.00 submitted October 4, 2004 is unnecessary and will be credited to Deposit Account No. 20-0809, as authorized.

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

This matter is being referred to the Office of Initial Patent Examination for preexamination processing.

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

RALPH F. KALIES
5772 KUMBIER ROAD
PICKET, WI 54964

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DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of
Ralph F. Kalies
Application No. 10/681,955
Filed: October 8, 2003
For: METHOD FOR PROCESSING AND ORGANIZING PHARMACY DATA

Dear Mr. Kalies:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (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 the sole 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 Wan Laymon at (571)272-3220. 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
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
THOMPSON HINE L.L.P
2000 COURTHOUSE PLAZA, N.E.
10 WEST SECOND STREET
DAYTON, OH 45402

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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APR 14 2008

OFFICE OF PETITIONS

In re Application of :
Charles W. Partridge et al. :
Application No. 10/681,984 : DECISION ON TWO PETITIONS
Filed: October 9, 2003 : PURSUANT TO
Attorney Docket No.: 126239-1021 : 37 C.F.R. §§ 1.137(B) AND 1.182
Title: SYSTEM AND METHOD FOR MULTIMEDIA DISPLAY :

This is a decision on the petition filed March 19, 2008, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application.

On March 21, 2008, Petitioner submitted a petition pursuant to 37 C.F.R. § 1.182 for expedited handling of the petition pursuant to 37 C.F.R. § 1.137(b), along with the fee associated with the filing of the petition to expedite.

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED.** Expedited handling will be accorded to the petition pursuant to 37 C.F.R. § 1.137(b).

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

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 November 2, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees [1]. Accordingly, this application became abandoned on February 3, 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);
(2) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(3) Any terminal disclaimer (and fee as set forth in 37 C.F.R § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the issue, publication, and petition fees. Petitioner has also filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, an Information Disclosure Statement, and the fee that is associated with the filing of an RCE. The RCE, along with the issue and publication fees, has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). Having made the proper statement of unintentional delay, Petitioner has met the first three requirements of Rule 1.137(b). The fourth requirement is not applicable, as a terminal disclaimer is not required.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114, the IDS filed on March 19, 2008, can be considered.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries

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1 See MPEP § 710.02(e).
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 any further action(s) of Petitioner.

concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-12-06

TO SPE OF : ART UNIT 1724

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/681985 Patent No.: 7052604

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**.

E Yoon

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: OK

D-M

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE

1724
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 29 2010

OFFICE OF PETITIONS

Patent No. 7,045,139
Issue Date: 16 May, 2006
Application No. 10/682,004
Filed: 10 October, 2003
Attorney Docket No. 11336.0017US01

DECISION

This is a decision on the petition filed on 17 November, 2009, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

It does not appear that Petitioner has provided the express schedule of fees/codes, payments made, payments due and differentials, with totals. (*See*: 37 C.F.R. §1.27, §1.28, MPEP §509.02, et seq.) The Office will not attempt to infer Petitioner's intent.

Petitioner has the responsibility of reviewing Petitioner's records and submitting accurate information to the Office. Petitioner has a duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office. (*See*: 37 C.F.R. §1.4, §10.18, MPEP §410.)

As of this writing, Petitioner's submission is **NOT ACCEPTED** in the absence of a specification of the fees/codes, payments made, payments due and differentials, with totals.

Petitioner's 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 §1.27, §1.28."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.27, §1.28 is **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 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 regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert A. Sabourin
Patent Department
AGFA Corporation
200 Ballardvale Street
Wilmington, MA 01887

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JUL 19 2004

OFFICE OF PETITIONS

In re Application of :
Carolus De Bie :
Application No.10/682,009 : DECISION GRANTING PETITION
Filed: October 9, 2003 :
Attorney Docket No. XP-1115 :

This is a decision on the petition filed June 4, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 9, 2003, with Figures 5 through 8 as described in the specification as part of the original disclosure.

On October 9, 2003, the above-identified application was filed. On May 25, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 9, 2003, however, Figures 5 through 8 as described in the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on June 4, 2004, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, eight sheets of drawings were received on October 9, 2003.

Upon review of the record, Figures 5 through 8 have not been located among the application papers. However, the evidence is convincing that the application papers deposited October 9, 2003, included Figures 5 through 8, which was subsequently misplaced by the Office. Therefore, the application, including Figures 5 through 8 as described in the specification was complete on filing and entitled to the presently accorded filing date of October 9, 2003..

Accordingly, the petition is granted; the Notice is vacated, accordingly. Deposit account 13-3377 will be refunded the petition fee of $130.00

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 9, 2003, included Figures 5 thorough 8 received in duplicate on June 4, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 7/16/04

2 Serial/Patent # 10/682,009

	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	/	6/4/04	$ 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
- [ ] Credit Deposit A/C #:

9 1 3 -- 3 3 7 7

10 REASON:

- [ ] Overpayment
- [ ] Duplicate Payment
- [X] No Fee Due (Explanation):

Office Error

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Kenya McLaughlin TITLE: Petitions Atty.

SIGNATURE: Kenya McLaughlin PHONE: 305-8010

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: Hanh DATE: 7/19/04

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)

Adjustment date: 07/19/2004 HLE555
06/07/2004 TBESHAH1 00000068 133377 10682009
01 FC:1460 130.00 CR

UNITED STATES 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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

AUG 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Jeff Kempf :
Application No. 10/682,010 : DECISION ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. TI-35626 :
Title: METHODS AND APPARATUS FOR :
CONVERTING AN ORTHOGONAL PIXEL :
FORMAT TO A DIAMOND PIXEL FORMAT :

This is a decision on the petition under 37 C.F.R. §1.182, filed June 9, 2004, to change the name of the inventor. Petitioner has requested that the inventor, who was originally set forth as "Jeff Kempf," wishes to have the record reflect his complete legal name of "Jeffery Matthew Kempf."

It is noted that the Petitioner is not of record. Although he has properly submitted the petition fee, no affidavit has been submitted by the inventor. Although there has been no change in the inventor's legal name, Petitioner will need to present an affidavit signed by the affiant with both names, so as to establish on the record that the two individuals are one and the same.

As such, the petition under 37 C.F.R. §1.182 must be **DISMISSED**.

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." Petitioner should submit an affidavit that has been signed by both names (i.e. not only should both names be listed, but the joint inventor should sign over both names). This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

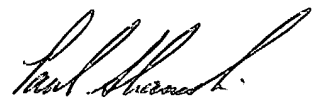
Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The application file will be retained in the Office of Petitions for two (2) months.

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.

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

cc: Brian Carlson
SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS, TX 75252-5793

---

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WWW.USPTO.GOV

Paper No. None

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED
AUG 09 2004
OFFICE OF PETITIONS

In re Application of :
Jeff Kempf :
Application No. 10/682,010 : DECISION ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. TI-35626 :
Title: METHODS AND APPARATUS FOR :
CONVERTING AN ORTHOGONAL PIXEL :
FORMAT TO A DIAMOND PIXEL FORMAT :

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CENTRAL FAX CENTER
SEP 24 2004

This is a decision on the petition under 37 C.F.R. §1.182, filed June 9, 2004, to change the name of the inventor. Petitioner has requested that the inventor, who was originally set forth as "Jeff Kempf," wishes to have the record reflect his complete legal name of "Jeffery Matthew Kempf."

It is noted that the Petitioner is not of record. Although he has properly submitted the petition fee, no affidavit has been submitted by the inventor. Although there has been no change in the inventor's legal name, Petitioner will need to present an affidavit signed by the affiant with both names, so as to establish on the record that the two individuals are one and the same.

As such, the petition under 37 C.F.R. §1.182 must be **DISMISSED**.

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." Petitioner should submit an affidavit that has been signed by both names (i.e. not only should both names be listed, but the joint inventor should sign over both names). This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail[1], hand-delivery[2], or facsimile[3].

The application file will be retained in the Office of Petitions for two (2) months.

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.

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

cc: Brian Carlson
SLATER & MATSIL, L.L.P.
17950 PRESTON RD, SUITE 1000
DALLAS, TX 75252-5793

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

NOV 0 2 2004

OFFICE OF PETITIONS

In re Application of
Jeff Kempf
Application No. 10/682,010
Filed: October 9, 2003
Attorney Docket No. TI-35626
Title: METHODS AND APPARATUS FOR CONVERTING AN ORTHOGONAL PIXEL FORMAT TO A DIAMOND PIXEL FORMAT

DECISION ON PETITION

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed September 24, 2004, to change the name of the inventor. Petitioner has requested that the inventor, who was originally set forth as "Jeff Kempf," wishes to have the record reflect his complete legal name of "Jeffery Matthew Kempf."

On June 9, 2004, the original petition was filed along with the petition fee, which was dismissed via the mailing of a decision on August 9, 2004, for failure to submit an affidavit signed by the affiant with both names.

With the renewed petition, Petitioner has submitted an affidavit signed by both names.

The petition under 37 C.F.R. §1.182 is **GRANTED**. The inventor is now listed as:

Jeffery Matthew Kempf

A corrected filing receipt has been enclosed.

This application is being forwarded to Technology Center 2600 for further processing.

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

Enclosure: 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

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER CO 80301

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JUN 2 4 2008

OFFICE OF PETITIONS

In re Patent No. 7031054 :
Issue Date: 04/18/2006 :
Application No. 10/682014 : NOTICE
Filed: 10/09/2003 :
Attorney Docket No. 405834 :

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) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/11/06

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 10682021 Patent No.: 6947690

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**.

Valerie Jackson

Certificates of Correction Branch

703-308-9390 ext. 114

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 **2852 Art Unit**

10/682,021

JAN 0 4 2006
PATENT & TRADEMARK OFFICE

ok to enter
04/14/06

00684.003534

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Examiner: Hoan Tran
Fumio TAZAWA, et al.	Group Art Unit: 2852
U.S. Patent No.: 6,947,690 B2	Confirmation No.: 8015
Issued: September 20, 2005	
Appl. No.: 10/682,021	
Filed: October 10, 2003	
For: DEVELOPER SUPPLY CONTAINER	January 4, 2006

Certificate
JAN 0 9 2006
of Correction

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER RULES 322 AND 323

Sir:

It is respectfully requested that a Certificate of Correction be issued by the Patent and Trademark Office due to errors which appear in the printed patent as a result of Patent and Trademark Office mistakes, and mistakes of a clerical, typographical, or minor character, which were not the fault of the Patent and Trademark Office. A Certificate of Correction form, in duplicate, is enclosed.

Accompanying this letter is a check for $100.00 to cover the statutory fee for such Certificate of Correction.

01/06/2006 HALI11 00000010 6947690
01 FC:1811 100.00 OP

JAN 10 2006

Patentees' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address given below.

Respectfully submitted,

William M. Wannisky
Attorney for Patentees
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

WMW\tas

DC_MAIN 226719v1

JAN 10 2006

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PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,690 B2

DATED : September 20, 2005

INVENTOR(S) : Fumio TAZAWA, 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:

UNDER REFERENCES CITED, (ITEM 56):

"5,975,286 A 11/1999 Oliff" should read --5,975,286 10/1999 Ban et al.--.

COLUMN 2:

Line 39, "is" should read --in--.

COLUMN 3:

Line 26, "state" should read --a state--;
Line 65, "FIG. 12(b)" should read --FIG. 16(b)--; and "FIG." should read --and FIG.--; and
Line 66, "12(c)" should read --16(c)--.

COLUMN 4:

Line 5, "FIG." should read --and FIG.--.

COLUMN 6:

Line 8, "ar" should read --are--;
Line 28, "method for developer supply container." should read --Method for Developer Supply Container.--; and
Line 32, "FIG. 7 is" should read --FIGS. 7(a) and 7(b) are--.

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. 6,947,690 B2

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ok to dr
01/20/06

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PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,690 B2

DATED : September 20, 2005

INVENTOR(S) : Fumio TAZAWA, 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 8:

Line 49, "extended" should read --extends--.

COLUMN 9:

Line 42, "deformable" should read --deform--;
Line 44, "100 of" should read --100 of the--; and
Line 52, "100 of" should read --100 of the--.

COLUMN 10:

Line 22, "disengage" should read --disengaging--; and
Line 65, "is" should read --has--.

COLUMN 11:

Line 19, "an arrow" should read --an--.

COLUMN 12:

Line 19, "its" should be deleted; and
Line 66, "shape shape" should read --shape--.

COLUMN 13:

Line 50, "close" should read --closes--; and
Line 59, "he" should read --the--.

MAILING ADDRESS OF SENDER:
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,690 B2

DATED : September 20, 2005

INVENTOR(S) : Fumio TAZAWA, 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 14:

Line 15, "as the" should read --as to--.

COLUMN 15:

Line 11, "According," should read --Accordingly,--; and
Line 20, "form" should read --from--.

COLUMN 18:

Line 6, "FIG. 22" should read --FIGS. 22(a), 22(b), 22(c), and 22(d)--;
Line 7, "is" should read --are--; and
Line 12, "FIG. 23 is" should read --FIGS. 23(a) and 23(b) are--.

COLUMN 19:

Line 3, "lager" should read --larger--.

PATENT NO. 6,947,690 B2

MAILING ADDRESS OF SENDER:
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New York, New York 10112-3800
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(212) 218-2200 - Facsimile

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04/06/20

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,690 B2

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PATENT NO. 6,947,690 B2

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UNITED STATES PATENT AND TRADEMARK OFFICE
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PATENT NO. : 6,947,690 B2

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30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,690 B2

DATED : September 20, 2005

INVENTOR(S) : Fumio TAZAWA, et al.

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Line 12, "FIG. 23 is" should read --FIGS. 23(a) and 23(b) are--.

COLUMN 19:

Line 3, "lager" should read --larger--.

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30 Rockefeller Plaza
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PATENT NO. 6,947,690 B2

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OFFICE OF PETITIONS

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

In re Application of	:	
Liljeryd, et al.	:	
Application No. 10/682,030	:	DECISION ON PETITION
Filed: October 10, 2003	:	TO WITHDRAW
Attorney Docket No. 4441-0112P	:	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 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles Gorenstein on behalf of all attorneys of record who are associated with customer No. 02292.

All attorneys/agents associated with the Customer Number 02292 have been withdrawn.

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

All future correspondence will be directed to the first named inventor Lars Gustaf Liljeryd 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 signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Lars G. Liljeryd
Vintervagen 19, S-171 34
Solna, Sweden

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : September 12, 2007

TO SPE OF : ART UNIT 1724

7172698

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/682050 Patent No.: ~~7126003 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

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: PATENT TO BE CORRECTED IS USP 7172698 (not 7126003).

DUANE SMITH
SUPERVISORY PATENT EXAMINER

SPE

1724
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

STEPHEN B. ACKERMAN
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

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SEP 26 2008

OFFICE OF PETITIONS

In re Application of
HWEE, Tan
Application No. 10/682,054
Filed: October 09, 2003
Attorney Docket No. **APS03-002**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 02, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ADVANPACK SOLUTIONS PTE. LTD.**
ATTN: CK ONG
35 MARSILING INDUSTRIAL ESTATE ROAD 3 #05-04
SINGAPORE, SINGAPORE 739257

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Manfred Reinold	: DECISION ON REQUEST FOR
Patent Number	: 7581667	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/682,057	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/09/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **556** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Decker, Jones, McMackin, McClane, Hall & Bates, P.C.
Burnett Plaza 2000
801 Cherry Street, Unit #46
Fort Worth, TX 76102-6836

MAILED
FROM DIRECTORS OFFICE

DEC 0 7 2004

TECHNOLOGY CENTER 3600

In re application of
William Clay Ratliff et al.
Application No. 10/682,058
Filed: October 9, 2003
For: AIRPORT BRIDGE AND LIFT

DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)

This is a decision on the petition under 37 C.F.R § 1.102(d) filed April 13, 2004 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed April 13, 2004 meets all of the requirements above and, therefore, the petition is **GRANTED**.

In compliance with element 2(C) above, an Information Disclosure Statement was filed on April 13, 2004.

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 and 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.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/rwg: 10/18/04

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Robert J. Goodell
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Applicant:

The Box PGPub replacement drawings for application number 10/682072 received on 01/16/04 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, at 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

O I P E JC
JAN 16 2004
U.S. PATENT & TRADEMARK OFFICE

PATENT
ATTORNEY DOCKET NO.: 046601-5121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Toshinobu HAMAZAKI, et al.	)	
	)	
Application No.: 10/682,072	)	Group Art Unit: 2853
	)	
Filed: October 10, 2003	)	Examiner: Unassigned

For: INK-JET RECORDING HEAD AND INK-JET RECORDING APPARATUS

MAIL STOP PGPUB DRAWINGS
Commissioner for Patents
Arlington, VA 22202

Sir:

SUBMISSION OF REPLACEMENT DRAWINGS

Filed herewith are eighteen (18) sheets of replacement patent drawings containing forty-nine (49) figures. It is requested that these drawings be made official record in the above-identified patent application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: _____
Robert J. Goodell, Reg. No. 41,040

02/27/2004 KKING1 00000002 500310 10682072
01 FC:8029 130.00 DA

Dated: January 16, 2004
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-3000

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
10/682,102	10/09/2003	3749	770	WHIC-0007CIP1D2	11	16	2

CONFIRMATION NO. 9206

020558
KONNEKER & SMITH P. C.
660 NORTH CENTRAL EXPRESSWAY
SUITE 230
PLANO, TX 75074

CORRECTED FILING RECEIPT

OC000000012097724

Date Mailed: 03/12/2004

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)

Gordon W. Stretch, Oxnard, CA;
Bruce A. Hotton, Montgomery, AL;
John H. Scanlon, Montgomery, AL;
Gary A. Elder, Montgomery, AL;
James T. Campbell, Wetumpka, AL;
Larry D. Kidd, Nashivlle, MI;
Eric M. Lannes, Kentwood, MI;
James M. Martin, East Greenwich, RI;
James W. Mears, Warwick, RI;
Thomas E. Archibald, Providence, RI;

Assignment For Published Patent Application

The Water Heater Industry Joint Research and Development Consortium;

Domestic Priority data as claimed by applicant

This application is a DIV of 10/200,234 07/22/2002
which is a CIP of 09/801,551 03/08/2001 PAT 6,497,200

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

Projected Publication Date: 04/15/2004

Non-Publication Request: No

Early Publication Request: No

Title

Combustion air shutoff apparatus for a fuel-fired heating appliance

Preliminary Class

122

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).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,102	10/09/2003	Bruce A. Hotton	WHIC-0007CIP1D2	9206

20558 7590 11/08/2004

KONNEKER & SMITH P. C.
660 NORTH CENTRAL EXPRESSWAY
SUITE 230
PLANO, TX 75074

EXAMINER	
LU, JIPING	

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 11/08/2004

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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 11022004

In re Application of STRETCH ET AL.
Appl No.: 10/682,102
Filed: October 9, 2003
For: COMBUSTION AIR SHUTOFF APPARATUS FOR A FUEL-FIRED HEATING APPALIANCE

DECISION GRANTING PETITION
37 CFR 1.48

This is a decision on the petition filed 10/9/2003 to correct inventorship under 37 CFR 1.48.

The petition is granted.

The inventorship in this application has been corrected to delete GORDON W. STRETCH; JOHN A. SCANLON; GARY A. ELDER; JAMES T. CAMPBELL; LARRY D, KIDD; and ERIC M. LANNES.

Jiping Lu
Primary Examiner,
Art Unit 3749,
Technology Center 3700

KONNEKER & SMITH, PC
660 N. CENTRAL EXPRESSWAY
SUITE 230
PLANO, TX 75074

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAYER HEALTHCARE LLC
P.O.BOX 390
SHAWNEE MISSION, KS 66201

COPY MAILED

JUL 25 2008

In re Application of :
Kirkor Sirinyan, et al. :
Application No. 10/682,127 : DECISION ON PETITION
Filed: October 9, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. LEA35172

This is a decision in response to the "Petition to Accept Delayed Claim for Priority Under 35 CFR §1.55," filed November 26, 2007, which is being treated as a petition under 37 CFR 1.78(a)(3) 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 concurrently filed Application Data Sheet (ADS).

The petition is **DISMISSED**.

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

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

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

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

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

It is noted that the ADS filed November 26, 2007 states the Continuity Type (relationship) as "a 371 of international" Prior Application No. PCT/EP02/03619, filed 2002-04-02. However, a review of the record fails to show that the present application is a National Stage Entry under 35 U.S.C. 371 of International Patent Application No. PCT/EP02/03619 filed April 2, 2002.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are 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

Telephone inquiries concerning this decision should 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
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Alexandria, VA 22313-1450
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SHAWNEE MISSION, KS 66201

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OCT 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Kirkor Sirinyan, et al. :
Application No. 10/682,127 :
Filed: October 9, 2003 :
Attorney Docket No. LEA 35172 :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision in response to the petition, filed on August 15, 2008, which is being treated as a renewed petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed PCT application set forth in the concurrently filed Application Data Sheet (ADS).

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. §§ 120, 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 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 PCT application, accompanies this decision on petition.

Counsel's deposit account is being credited $1410, since a petition fee was inadvertently charged for the renewed petition under 37 CFR 1.78(a)(3).

This application is being forwarded to the examiner of Technology Center Art Unit 1615 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204.

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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/682,127	10/09/2003	1615	900	LEA 35172	7	2

CONFIRMATION NO. 1350

CORRECTED FILING RECEIPT

71285
BAYER HEALTHCARE LLC
P.O.BOX 390
SHAWNEE MISSION, KS 66201

Date Mailed: 10/07/2008

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

Applicant(s)

Kirkor Sirinyan, Gladbach, GERMANY;
Hubert Dorn, Wuppertal, GERMANY;
Martin Gilges, Koln, GERMANY;
Olaf Hansen, Leichlingen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 71285

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP02/03619 04/02/2002

Foreign Applications

GERMANY 101 17 676.7 04/09/2001

If Required, Foreign Filing License Granted: 01/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/682,127**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Dermally applicable liquid formulations for controlling parasitic insects on animals

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).

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Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MICHAEL A. FORHAN
THOMPSON HINE LLP
2000 COURTHOUSE PLAZA N.E.
10 WEST SECOND STREET
DAYTON, OH 45402-1758

COPY MAILED

MAY 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Ralph A. Kalies :
Application No. 10/682,157 :
Filed: October 8, 2003 : DECISION GRANTING
Title of Invention: MEHOD FOR : STATUS UNDER
ASSIMILATING AND USING PHARMACY DATA : 37 CFR 1.47(b)

This is in response to a petition under 37 CFR 1.47(b), filed March 30, 2004, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors. The one (1) month extension of time requested is hereby granted.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Ralph A. Kalies, refuses to join in the application.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventors 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

Louis C. Dujmich
Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas
New York, NY 10036-8403

Mail Date: 04/21/2010

Applicant	: Ralph F. Kalies	: DECISION ON REQUEST FOR
Patent Number	: 7606722	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/682,157	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **907** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

APR 29 2005

Stanley M. Miller
748 Broadway, suite 201
Dunedin, FL 34698

In re Application of
Michael A. Moran et al
Application No. 10/682,159
Filed: October 9, 2003
For: HUNTER SHANK SLIDE ANCHOR

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office, on October 26, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing :

☐ Postcard receipt being dated _____.

☒ USPTO return facsimile receipt dated April 23, 2004 which identifies the application by serial number and the type of Response that was filed on that date.

☐ 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 _____.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, then to the examiner for prompt action on the response.

RAR/jwk: 3/8/05

Randolph A. Reese
Special Programs Examiner
Group 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of
Miklos Gratzi Et al.
Application No. 10/682,168
Filed: October 9, 2003
Attorney Docket No. CWRZ 200282-3

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 10, 2005

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 attorneys/agents associated with application. 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).

Richard J. Minnich signed the request on behalf of all attorneys of record.

Richard J. Minnich and all attorneys/agents associated with application have been withdrawn.

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

The correspondence address is not affected by this request.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

cc: Miklos Gratzi
200 Chatham Way, #164
Mayfield Heights, OH 44124

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

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MAY 16 2006

OFFICE OF PETITIONS

Applicant: Link et al.
Appl. No.: 10/682,178
Filing Date: October 9, 2003
Title: ANTITUMOR VACCINATION USING ALLOGENEIC TUMOR CELLS EXPRESSING ALPHA (1,3)-GALACTOSYLTRANSFERASE
Attorney Docket No.: P05859US01
Pub. No.: US 2004/0191229 A1
Pub. Date: September 30, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on August 10, 2005, for the above-identified application

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains material errors, as there are typographical errors in the specification.

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

The request for corrected publication received on August 10, 2005, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in §

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

1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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

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

By facsimile: 571-273-8300

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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PILLSBURY WINTHROP LLP
725 SOUTH FIGUEROA STREET
SUITE 2800
LOS ANGELES CA 90017-5406

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APR 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Hovanec et al.	:	DECISION ON PETITION TO
Application No. 10/682,179	:	WITHDRAW HOLDING OF
Filed: 9 October, 2003	:	ABANDONMENT
Attny Docket No. 0294289 081289	:	

This is a decision on the petition filed on 16 January, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a reply to the Office action requiring restriction and/or election mailed on 24 March, 2006, which set a one (1) month shortened statutory period for reply. Notice of Abandonment was mailed on 20 November, 2006.

Petitioner asserts that the Notice mailed on 24 March, 2006, was not received because it was mailed to the wrong address due to USPTO error. Specifically, petitioner asserts that a Change of Correspondence Address was filed on 8 June, 2004, but that the Office action mailed on 24 March, 2006, was mailed to the previous address.

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 to practitioner at 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 communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing

the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail.

A review of the official file reveals that on 8 June, 2004, a Change of Correspondence Address was filed listing the new correspondence address as "Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406." However, the Office action mailed on 24 March, 2006, was mailed to the previous address. As such, the showing of record is that there was an irregularity in the mailing of the Office action mailed on 24 March, 2006, in that said Office action was not mailed to the current correspondence address.

Consequently, there was no abandonment in fact.

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

The correspondence address has been updated.

The application file will be referred to the Technology Center's Technical Support Staff for remailing of the Office action mailed on 24 March, 2006.

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

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1901 ROXBOROUGH ROAD, SUITE 300
CHARLOTTE, NC 28211

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DEC 0 6 2006

OFFICE OF PETITIONS

In re Application of :
CARTER, Ronald :
Application No. 10/682,185 : DECISION ON PETITION
Filed: October 9, 2003 : TO WITHDRAW
Attorney Docket No. **3345** : 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 22, 2006.

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

A review of the file record indicates that the power of attorney to Ralph H. Dougherty of DOUGHERTY CLEMENTS HFER BERNARD & WALKER has been revoked by the assignee of the patent application on July 17, 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: **TILLMAN WRIGHT PLLC**
P.O. BOX 471581
CHARLOTTE, NC 28247

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AUG 24 2004

August 2004

Oblon, Spivak, McClelland, Maier & Neudstadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of Yasushi Nakazato et al. Application No.: 10/682,189 Filing Date: October 10, 2003 Attorney's Docket No.: 243741US2DIV	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition to make special under MPEP § 708.02 (VIII) filed on April 20, 2004.

The petition is **GRANTED**.

In order for an application to be granted special status under MPEP § 708.02 (VIII), an applicant has to satisfy the following five requirements:

(A) submit a petition accompanied by the fee set forth in 37 C.F.R. § 1.17(h);

(B) present all claims directed to a single invention or in the event that the United States Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, make an election without traverse as a prerequisite to the grant of special status;

(C) state that a pre-examination search was made, listing the field of search;

(D) submit a copy of the most relevant references; and

(E) submit a detailed discussion of the references indicating how the claimed subject matter is patentable over the references.

The petition filed on April 20, 2004 includes a showing that complies with the above requirements to permit the application to be made special under the accelerated examination procedure.

Accordingly, the petition is **granted**.

The application will be indicated to be special and prosecution will proceed according to the accelerated examining procedures set forth in MPEP § 708.02 (VIII). However, as also set forth in MPEP § 708.02 VIII, if a restriction requirement is made by the Office and applicant refuses to make an election without traverse, the application will not be further examined at that time. Instead, the decision granting the petition will be revoked on the ground that all the claims are not directed to a single invention and the application will be returned to normal status and await action in its regular turn.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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August 2004

AUG 24 2004

Oblon, Spivak, McClelland, Maier & Neudstadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of Yasushi Nakazato et al. Application No.: 10/682,191 Filing Date: October 10, 2003 Attorney's Docket No.: 242419USDIV	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition to make special under MPEP § 708.02 (VIII) filed on April 20, 2004.

The petition is **GRANTED**.

In order for an application to be granted special status under MPEP § 708.02 (VIII), an applicant has to satisfy the following five requirements:

(A) submit a petition accompanied by the fee set forth in 37 C.F.R. § 1.17(h);

(B) present all claims directed to a single invention or in the event that the United States Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, make an election without traverse as a prerequisite to the grant of special status;

(C) state that a pre-examination search was made, listing the field of search;

(D) submit a copy of the most relevant references; and

(E) submit a detailed discussion of the references indicating how the claimed subject matter is patentable over the references.

The petition filed on April 20, 2004 includes a showing that complies with the above requirements to permit the application to be made special under the accelerated examination procedure.

Accordingly, the petition is **granted**.

The application will be indicated to be special and prosecution will proceed according to the accelerated examining procedures set forth in MPEP § 708.02 (VIII). However, as also set forth in MPEP § 708.02 VIII, if a restriction requirement is made by the Office and applicant refuses to make an election without traverse, the application will not be further examined at that time. Instead, the decision granting the petition will be revoked on the ground that all the claims are not directed to a single invention and the application will be returned to normal status and await action in its regular turn.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Honeywell International Inc.
Law Dept. AB2
P.O. Box 2245
Morristown NJ 07962-9806

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APR 2 1 2004

OFFICE OF PETITIONS

In re Application of
Nguyen, et al.
Application No. 10/682,217
Filed: October 8, 2003
Attorney Docket No. H0005469
For: MULTI-ACTION ON MULTI-SURFACE SEAL WITH TURBINE SCROLL RETENTION METHOD IN GAS TURBINE ENGINE

: DECISION ON
: PETITION

This is a decision on the petition filed February 20, 2004 (certificate of mailing date February 17, 2004) requesting that Figure 1 be accorded a filing date of October 8, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 8, 2003. On January 5, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that Figure 1, as described in the specification, appeared to have been omitted.

Petitioners request that Figure 1 be accorded a filing date of October 8, 2003 on the basis that 5 sheets of formal drawing figures, including Figure 1, were received in the Patent and Trademark Office (PTO) on October 8, 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 October 8, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 5 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 5 sheets of formal drawing figures were filed on October 8, 2003. MPEP 503. A review of the application file reveals that there are 4 sheets of drawing figures present, depicting Figures 2-5.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The $130.00 petition fee charged on February 25, 2004 will be credited to deposit account no. 01-1125.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 8, 2003**, using the copy of Figure 1 submitted with the instant

petition. Office records will be corrected to show that 5 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
Senior Petitions Attorney
Office of Petitions

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c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025

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OFFICE OF PETITIONS

In re Application of :
Tsirkel, et al. :
Application No. 10/682,231 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. :
10559/067002/P7554C/Intel

This is a decision on the petition, filed April 19, 2006, 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 three (3) months of the mailing of the June 28, 2005 final Office action. No response being received and no extensions of time being obtained, this application became abandoned on September 29, 2005. A Notice of Abandonment was mailed on January 19, 2006.

Applicants have submitted an amendment in reply to the June 28, 2005 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 28, 2005 final Office action, and the petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 2115 for consideration of the amendment filed on April 19, 2006.

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

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4845 Pearl East Circle
Suite 300
Boulder, CO 80301

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OFFICE OF PETITIONS

In re Application of :

Adam A. Monroe :
Application No. 10/682,242 : DECISION ON PETITION
Filed: October 9, 2003 : TO WITHDRAW
Attorney Docket No. 442648 : 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 21, 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 Gerald Kraai on behalf of all attorneys of record who are associated with Customer No. 30955.

All attorneys/agents associated with the Customer No. 30955 have been withdrawn.

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

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

There is an outstanding Office action mailed July 20, 2006 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Adam A. Monroe**
7800 IH-10 West, #700
San Antonio, TX 78230

cc: **Kutak Rock LLP**
1801 California Street
Suite 3100
Denver, CO 80202

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/682,242	10/09/2003	Adam A. Monroe	442648

CONFIRMATION NO. 1002

OC000000022486105

OC000000022486105

30955
LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

Date Mailed: 02/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/21/2006.

- 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.

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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TIMOTHY E. SIEGEL
1868 KNAPPS ALLEY, SUITE 206
WEST LINN, OR 97068-4644

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OFFICE OF PETITIONS

In re Application of :
Larry C. Papadopoulos et al :
Application No. 10/682,257 : DECISION GRANTING PETITION
Filed: October 7, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. BCI.001 :

This is a decision on the petition, filed February 18, 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 October 6, 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, setting forth the projected publication date of July 28, 2005, was previously mailed on April 19, 2005.

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

This application is being forwarded to Technology Center Art Unit 3764 for such action as the nature of the case requires.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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250 NORTH WOLFE ROAD
SUNNYVALE, CA 94085

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OFFICE OF PETITIONS

In re Application of	:	
Darrell Rinerson et al	:	
Application No. 10/682,277	:	DECISION GRANTING PETITION
Filed: October 8, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. UNTYP024	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 26, 2005, as required by the Notice of Allowance and Fee(s) Due mailed May 26, 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 payment of the issue fee of $700 and the publication fee of $300; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

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Bill Wooden
5928 Henley Drive
Plano, TX 75093

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OFFICE OF PETITIONS

In re Application of :
Sergey V. Bortkevitch, et. al. :
Application No. 10/682,286 : ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on October 18, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely submit the issue fee and publication fee.

The Office acknowledges receipt of $750 for the petition to revive fee, $700 for the issue fee and $300 for the publication fee. However, 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), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 1.17(m); (**3**) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (**4**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

A review of the record shows that the instant petition is signed by one (1) of four (4) inventors. However, in accordance with 37 CFR 1.33(b) this is improper. 37 CFR 1.33(b) states:

> Amendments and other papers filed in the application must be signed by:
>
> (1) An attorney or agent of record appointed in compliance with § 1.34(b);
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
> (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
> (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
> (5) **All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

If the instant petition is signed or submitted on behalf of the assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank Statement under 37 CFR 3.73(b) is enclosed with this decision.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency decision.

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

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

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Blank Statement under 37 CFR 3.73(b)

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Plano, TX 75093

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In re Application of :
Sergey V. Bortkevitch, et. al. :
Application No. 10/682,286 : ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed by facsimile transmission on January 25, 2006, 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 on April 14, 2005. A Notice of Abandonment was mailed October 11, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $700 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

Finance records show that, on October 18, 2005 and January 25, 2006, petitioner submitted $700 for payment of the issue fee, $300 for payment of the publication fee and $750 for payment of the petition fee. However, since the above fees were submitted twice, the fees paid on January 25, 2006 will be treated as a duplicate payment; and therefore, fees totaling $1,750 will be credited to petitioner's credit card.

This application file is being referred to the Office of Publications to be processed 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

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Sweeney :
Application No. 10/682,307 :
Filed: October 9, 2003 :
Atty Docket No. 029815-0104 :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705" filed July 7, 2009. Applicant requests the initial determination of patent term adjustment be corrected from five hundred seventy-six (576) days to nine hundred seventy-five (975) days.

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

On June 11, 2006, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised of a patent term adjustment to date of 576 days. In response, applicant timely filed this application for patent term adjustment with payment of the issue fee. The instant application states a terminal disclaimer has not been filed.

Applicant requests the patent term adjustment be corrected to 975 days.

Office Delay

Applicant seeks an increase in the total amount of Office delay due to the Office's failure to issue the patent within three years.

To the extent 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 C.F.R §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 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.705(b) contesting the 37 C.F.R. § 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant 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 C.F.R. § 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 C.F.R. § 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 C.F.R. § 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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

Applicant Delay

Applicant asserts a 26-day reduction in patent term adjustment for the Information Disclosure Statement ("IDS") filed October 15, 2008, was inappropriate. However, the Office did not enter any reduction of patent term adjustment as a result of the October 15, 2008 IDS.

The Office did enter a 26-day reduction for the Request for Continued Examination ("RCE") filed November 20, 2008 and the Office will assume applicant intended to object to the 26-day reduction for the RCE.

A review of the record indicates the entry of the 26-day reduction for the RCE was warranted.

The Office mailed a final Office action on July 25, 2008. A reply in the form of an amendment was filed October 27, 2008. The Office mailed an Advisory Action on November 12, 2008. A

[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.

RCE was filed November 20, 2008. The RCE requested the amendment filed October 27, 2008, be treated as the submission for the RCE.

37 C.F.R. § 1.704(b) provides for a reduction when a party takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. Specifically, 37 C.F.R. § 1.704(b) states,

> [A]n applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

A proper reply to the July 25, 2008 final Office action in the form of the RCE was not filed until three months and 26 days after the final Office action was mailed. Therefore, a reduction of 26 days is warranted.

Conclusion

To the extent the instant application for patent term adjustment seeks to have the patent term adjustment increased due to delay pursuant to 37 C.F.R. § 1.702(b), the application is dismissed as premature.

To the extent the instant application for patent term adjustment seeks to have the Office remove the reduction of 26 days to patent term adjustment for the RCE filed November 20, 2008, the application is dismissed.

In view of the instant decision, the patent term adjustment at the time of the mailing of the Notice of Allowance remains 576 days.

Applicant is reminded that any delays by the Office pursuant to 37 C.F.R. § 1.702(a)(4) and § 1.702(b) *and* any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that will be mailed to applicant approximately three weeks prior to issuance.

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

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

In re Patent of Sweeney	:	DECISION ON REQUEST
Patent No. 7,608,062	:	FOR RECONSIDERATION OF
Issue Date: October 27, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/682,307	:	AND NOTICE OF INTENT TO
Filing Date: October 9, 2003	:	ISSUE CERTIFICATE OF
Attorney Docket No. 029815-0104	:	CORRECTION

This is a decision on the petition filed December 23, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by nine hundred fifty-one (951) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by nine hundred fifty-one (951) days is **GRANTED to the extent indicated herein.**

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

The first issue raised by Patentee is indirectly raised in the chart supplied with the petition. The chart indicates a reduction of 19 days should have been entered as a result of an amendment filed October 31, 2007. The Office previously entered an 18-day reduction as a result of the date of receipt for the amendment being entered as October 30, 2007, in the Office's PALM system. A review of the record confirms the amendment was actually filed October 31, 2007. Therefore, the Office agrees a reduction of 19 days, not 18 days, is appropriate for the amendment.

The second issue raised by Patentee is the number of days in the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay"). Patentee asserts the period of B Delay is 387 days.

Pursuant to 35 U.S.C. § 154(b)(1)(B)(i), B Delay does not include any time period consumed by continued examination. Although Patentee recognized the need to exclude a time period due to the RCE, Patentee failed to exclude the actual date the RCE was filed from the period of B

Delay. Once the actual date the RCE was filed is excluded, the period of B Delay is 386 days, not 387 days.

As a result of the period of B Delay being 386 days, not 387 days as alleged by Patentee, the patent term adjustment for the patent is 950 days, not the 951 days alleged by Patentee.

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **nine hundred fifty (950)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,608,062 B2
APPLICATION NO.	:	10/682,307
DATED	:	October 27, 2009
INVENTOR(S)	:	Patrick J. Sweeney

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 576 days.

Delete the phrase "by 576 days" and insert -- by 950 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 9, 2009

TO SPE OF : ART UNIT 2165 - ~~Jeffrey A. Gaffin~~ Neveen Abel-Jalil

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/682,330 Patent No.: 7,340,447 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

See COCIN dated 09-30-2009, Page 3 of 3 of the SB44 form

Should correction at Column 33, line 36, claim 10 be approved?

Certificates of Correction Branch

(571)272-0483

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: Agree to all ~~#~~ corrections except those directed to at Column 33, line 36, claim 10 since they change the scope of the claim.

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Neveen Abel-Jalil
SPE, AU 2165

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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OFFICE OF PETITIONS

In re Application of	:	
David L. Shelton, et al.	:	
Application No. 10/682,332	:	DECISION ON PETITION
Filed: October 8, 2003	:	TO WITHDRAW
Attorney Docket No. PC19485	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on April 24, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Pfizer Inc.**
10555 Science Center Drive
San Diego, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

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DEC 28 2004

OFFICE OF PETITIONS

In re Application of :
Zaudtke et al. :
Application No. 10/682,349 : DECISION ON PETITION
Filed: October 9, 2003 :
Atty Docket No. 200304323-3 :

This is a decision on the "PETITION TO ESTABLISH PRIOR RECEIPT OF ITEM IDENTIFIED AS MISSING BY NOTICE OF OMITTED ITEMS," filed November 12, 2004. Applicants request that the above-identified application be accorded a filing date of October 9, 2003, with page 34 of the specification as part of the original application disclosure.

Application papers in the above-identified application were deposited on October 9, 2003. However, on September 8, 2004, the Initial Patent Examination Division mailed applicant a "Notice to File Missing Parts of Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, page 34 of the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Applicants asserts that page 34 of the specification was in fact deposited with the patent application on October 9, 2003. In support thereof, petitioner submits a copy of their return postcard receipt and a copy of the application, including page 34, as originally submitted. Alternatively, applicants note that the specification submitted in the present application (pages 1-35) is identical to pages 1-35 of the specification of prior application 09/583,671, which has been incorporated by reference.

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. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the Office of Initial Patent Examination (OIPE) on October 9, 2003 and the papers submitted therewith assigned application No. 10/682349; 2) it specifically identifies the items being filed, including "Application for United States Letters Patent (including specification, claims and abstract) 42 pages" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted were filed on October 9, 2003.

The application papers already considered received in the Office on October 9, 2003, were reviewed along with the missing page of specification submitted on petition. The papers received are numbered 1-33, 35-42. These papers together constitute the items described on the postcard receipt as "Application for United States Letters Patent (including specification, claims and abstract) 42 pages." Petitioner has shown that p. 34 of the specification was among the items present in the application on the date of deposit and should be included in the original application papers.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 20-1504, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application has, thereby, been forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of October 9, 2003, using the application papers received in the Office on that date and the missing page of specification resubmitted on petition filed November 12, 2004.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Attorney Adviser
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/682,366	10/08/2003	2153	1004	8285/601	5	21	4

CONFIRMATION NO. 7829

00757
GENERAL NUMBER 00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

UPDATED FILING RECEIPT

OC000000012225382

Date Mailed: 03/30/2004

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)

Edward A. Walter, Boerne, TX;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

Projected Publication Date: 04/14/2005

Non-Publication Request: No

Early Publication Request: No

Title

System and method for providing data content analysis in a local area network

Preliminary Class

709

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).

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WILLIAM H. EILBERG, ESQ.
SUITE 501 WEST
THREE BALA PLAZA
BALA CYNWYD PA 19004

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Fraser C. Henderson et al.
Application No. 10/682,376
Filed: October 9, 2003
Atty's Docket No. 325-11

This is a decision on the paper filed March 15, 2004 styled "Petition For Acceptance of Application As Complete", which is treated under 37 CFR 1.182, in response to the Notice To File Missing Parts mailed January 15, 2004.

The application was filed October 9, 2003. However, on January 15, 2004. the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting that the filing fee and oath or declaration were missing. Receipt of the filing fees and the oath or declaration were submitted March 15, 2004 but, the Notice also indicated that while the application had been accorded a filing date of October 9, 2003, Figure 10 described in the specification appeared to have been omitted.

Petitioner asserts that the paper containing Figure 10 was among the papers filed on October 9, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. A review of the official file reveals that only ten (10) sheets of drawings are accounted for. However, the postcard receipt, identifies the application and acknowledges, inter alia, the number of drawing sheets to be eleven (11) and bears a United States Patent and Trademark Office date-stamp of October 9, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed. .

In view of the foregoing, the petition is **Granted.** The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, the petition fee in the amount of $130.00 will be refunded to the petitioner as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on October 9, 2003 and the one drawing sheet containing Figure 10 submitted on petition March 15, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/12/05

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 10682383 6839997 B2

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

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

Thank You For Your Assistance

Angela Green
Certificates of Correction Branch
Tel. No. 703-305-9380 ext. 123

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 case was processed under 35 USC 111 and not 35 USC 371. Therefore a certified copy of the priority document was required as per 35 USC 119. The "copy" of the priority document from the IB is not a certified copy as required by 119. It only serves for 35 USC 371

Michael Carone 3641
SPE **Art Unit**

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11400 BURNET ROAD
AUSTIN TX 78758

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JAN 1 0 2007

OFFICE OF PETITIONS

In re Application of :
Dewitt et al. :
Application No. 10/682,436 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. AUS920030490US1 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 28, 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 an Amendment; (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.

This matter is being referred to Technology Center 2100 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/14/08

Paper No.: ___

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/682454 Patent No: 7190171 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: ok to enter

3-4-08

AKM ULLAH
~~SUPERVISORY PATENT EXAMINER~~

2838

SPE **Art Unit**

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ROBERT C. KAIN, JR.
750 SOUTHEAST THIRD AVENUE
SUITE 100
FT LAUDERDALE FL 33316-1153

COPY MAILED

MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Lindgren
Application No. 10/682,501
Filed: October 9, 2003
Attorney Docket No. 6744-7-CIP-2
For: UNDER WATER LIGHTED FISHING LURE

DECISION ON PETITION

This is a decision on the petition, filed January 28, 2004, requesting that Figure 14B be accorded a filing date of October 9, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 9, 2003. On January 22, 2004, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (Notice) informing petitioner that Figure 14B, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 14B be accorded a filing date of October 9, 2003 on the basis that 16 sheets of drawing figures, including Figure 14B, were received in the Patent and Trademark Office (PTO) on October 9, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 9, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 16 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 16 sheets of drawing figures were filed on October 9, 2003. MPEP 503. A review of the application file reveals that there are 15 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 9, 2003**, using the 16 sheets of replacement drawings submitted with the instant petition. Office records will be corrected to show that 16 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

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SEP 14 2004

In re Application of	:	
Christian Helmut Thoma	:	DECISION ON PETITION
Application No. 10/682,503	:	
Filed: October 10, 2003	:	
Attorney Docket No. 3006-1010	:	

This is a decision on the petition to make special filed on October 10, 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 dismissed.

The petition to make special based upon the practice in the above mentioned MPEP sections is not deemed to satisfy all of the requirements thereof. Specifically, although petitioner states that the claims are directed to a single invention for restriction purposes, petitioner does not state that an election of a single invention will be made without traverse in the event that restriction is required. See MPEP , 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 § 708.02(VIII), item (B).

Petitioner may file a renewed petition, without additional fee, provided that the renewed petition is filed within two months of the date of this Decision. See 37 CFR 1.181(f).

The application remains pending in Technology Center 3700 awaiting first action in accordance with filing date order.

PETITION DISMISSED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

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

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OFFICE OF PETITIONS

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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CANCELLED
DEC 0 9 2006
OFFICE OF PETITIONS

In re Application of :
Pierre Bernard et al :
Application No. 10/682,541 : DECISION GRANTING PETITION
Filed: October 10, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 0529-1018 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 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 an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of November 15, 2005, 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 3733.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007-5109

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JAN 25 2007

OFFICE OF PETITIONS

In re Patent No. 6,886,521 :
Issue Date: May 3, 2005 :
Application No. 10/682,559 : DECISION ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. 023971-0318 :

This is a decision on the petition under 37 CFR 1.182, filed October 12, 2006, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED.**

The Publishing Division is directed to issue a duplicate Letters Patent.

The petition was accompanied by a fee of $130. The required fee for a petition under 37 CFR 1.182 is $400. Accordingly, the balance due of $270 was charged to petitioner's deposit account on October 13, 2006.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. Inquiries regarding the issuance of a duplicate Letters Patent may be directed Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of the duplicate Letters Patent.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: **Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756)**

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JONATHAN SPANGLER
NU VASIVE, INC.
4545 TOWNE CENTRE COURT
SAN DIEGO CA 92121

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

In re Application of
Patrick Miles et al.
Application No. 10/682,568
Filed: October 8, 2003
Attorney Docket No. 029US1

: DECISION GRANTING PETITION

This is a decision on the petition, filed October 24, 2007, 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 present nonprovisional application is the subject of a foreign or international application filed on September 27, 2004. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 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 present 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)(I) has been rescinded. The projected publication date is March 6, 2008 and a copy of the communication regarding rescission is included herein.

The petition fee in the amount of $770.00 has been applied to the finance records for this application.

This matter is being referred to Technology Center 3731 for examination in due course.

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

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request And/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/682,568	10/08/2003	Patrick Miles	029US1

CONFIRMATION NO. 1741

30328
JONATHAN SPANGLER
NU VASIVE, INC.
4545 TOWNE CENTRE COURT
SAN DIEGO, CA 92121

NONPUBLICATION RESCISSION LETTER

OC000000026893882

Date Mailed: 11/26/2007

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 03/06/2008.

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".

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JUN 0 9 2009

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

In re Application of :	:
Tas et al.	:
Serial No.: 10/682,584	: PETITION
Filed: October 9, 2003	:
	:

This is in reply to the petition filed March 13, 2009 under 37 CFR § 1.181 "to prevent reopening of prosecution".

DISCUSSION

It is pointed out the action of December 8, 2008 is not under final rejection. Hence, the petition is premature (see 37 CFR § 1.181(c)).

In view of the above reason, the petition is **DISMISSED**.

However, the examiner will be instructed to carefully consider applicant's arguments set forth in the petition when the next action is prepared.

Applicant may submit a renewed petition, if desired, after the action is made Final.

Any renewed petition must be submitted within TWO MONTHS of the mail date of this decision in order to be considered timely.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,584	10/09/2003	Sinan Tas	T80.2H-11341-US01	9769

490 7590 10/21/2009

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

EXAMINER	
ANDERSON, JAMES D	

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
10/21/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

Applicant: Tas et al.
Appl. No.: 10/682,584
Filing Date: October 9, 2003
Title: USE OF CYCLOPAMINE IN THE TREATMENT OF BASAL CELL CARCINOMA AND OTHER TUMORS
Attorney Docket No.: T80.2H-11341-US01
Pub. No.: US 2004/0072914 A1
Pub. Date: April 15, 2004

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 31, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/23/2009 KKING1
08/03/2009 INTEFSW 00001744 10682584
01 FC:1504 -300.00 DP

Refund Ref:
10/23/2009 0030075896

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1012

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : U.S. 6,811,019 B2 Page 1 of 1
APPLICATION No.: 10/682,604
DATED : November 2, 2004
INVENTOR(S) : Christian et al.

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:

On the front page of the patent
Under Related U.S. Application Data, after "6,705,453", insert --and application No. 10/197,023 filed July 17, 2002, now Pat. No. 6,814,217--.

Column 7
Line 33, delete "positions" and insert --position--.

Column 8
Line 55, delete "5a-d." and insert --50a-d.--.

Column 10
Line 51, delete "adhesive:" and insert --adhesive--.

Column 13
Line 2, delete "provides;" and insert --provides--.
Line 30, delete "min" and insert --mm--.

MAILING ADDRESS OF SENDER:
The Procter & Gamble Company
Intellectual Property Division
Winton Hill Business Center – Box 161
6110 Center Hill Avenue
Cincinnati, OH 45224

PATENT NO. 6,811,019 B2

No. of add'l. copies ⇨ _____

@ 30¢ per page

FORM PTO 1050 (REV. 04-05)
P&G Case: 9381
Send to: Attention: Certificate of Corrections Branch, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450

AUG 18 2005

EXPEDITE

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-25-05

TO SPE OF : ART UNIT 3651

SUBJECT : Request for Certificate of Correction on Patent No.: 6811019

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:

Second patent + application numbers should be listed on the Front of the patent.
MD

SPE

3651
Art Unit

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OWENS-ILLINOIS, INC.
ONE MICHAEL OWENS WAY, THREE O-I PLAZA
PERRYSBURG OH 43551-2999

9/27/07

In re Application of:
Shingle, John M.
Serial No.: 10/682,608
Filed: October 9, 2003
Docket: 18226 USA
Title: CLOSURE HAVING USER-MODIFIABLE FUNCTIONALITY

DECISION ON PETITION

This is a decision on the petition received on October 6, 2006 seeking to withdraw the finality of the Office action mailed April 3, 2006 and enter applicant's arguments submitted after final filed Apr. 21, 2006 for appeal purposes.

The petition is **DISMISSED** as moot.

In the petition the petitioner asserts that the final rejection mailed January 29, 2007 was premature.

The record shows that:

1) On August 26, 2005, the examiner issued a final Office action.
2) On November 25, 2005, the applicant filed a notice of appeal followed by an appeal brief received on January 17, 2006.
3) On April 3, 2006 the examiner issued another final Office action.
4) On April 21, 2006 the applicant submitted their arguments with no amendment regarding patentability of the claims.
5) On October 6, 2006, the applicant submitted another notice of appeal along with the instant petition. The applicant then filed another appeal brief on December 8, 2006.
6) On March 5, 2007, the examiner issued an advisory action in response to the applicant's arguments filed on Apr. 21, 2006.
7) On March 26, 2007, the examiner issued an examiner's answer to the appeal brief of Dec. 8, 2006.
8) On June 6, 2007, the examiner issued revised examiner's answer to the second appeal brief of Dec. 8, 2006.

Page two, paragraph four of the examiner's answer of Jun. 6, 2007 states "The applicant's remarks after final rejection filed on 4/21/06 has been responded in an advisory action mailed 3/5/07." The petitioner currently requests the arguments after final filed on Apr. 21, 2006 be entered for appeal purposes. The examiner has already done so as requested in the current petition. Therefore the issue from this petition is moot.

For the foregoing reasons, the relief requested by petitioner is moot. Specifically, the arguments filed after final have already been entered into the record as stated in the examiner's answer. In light of the fact that the petitioner's requested relief has already occurred, this petition has been rendered moot.

The application is being forwarded to the Board of Patent Appeals and Interferences for decision. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner at (571) 272-4856.

PETITION DISMISSED as MOOT.

Karen M. Young

for Frederick R. Schmidt, Director
Technology Center 3700

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OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of :
Brockton S. DAVIS, et al :
Application No. 10/682,636 : DECISION ON PETITION
Filed: October 8, 2003 : TO WITHDRAW
Attorney Docket No. 324212003200 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2010.

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

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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APPLE/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Mail Date: 04/21/2010

Applicant	: Jessica Kahn	: DECISION ON REQUEST FOR
Patent Number	: 7620894	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/682,645	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/08/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **805** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SQUIRE SANDERS & DEMPSEY LLP
PATENT DEPARTMENT
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111-3492

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MAR 29 2007

OFFICE OF PETITIONS

In re Application of :
Brian Yen :
Application No. 10/682,655 : ON PETITION
Filed: October 8, 2003 :
Attorney Docket No. 51861.00009

This is a decision on the petition, filed March 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 March 21, 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]

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

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

This matter is being referred to Technology Center AU 3768 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

cc: Squire Sanders & Dempsey LLP
600 Hansen Way
Palo Alto, CA 94304-1043

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No.

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

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APR 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,605,167	: DECISION ON REQUEST
Tas et al.	: FOR
Issue Date: October 20, 2009	: RECONSIDERATION OF
Application No. 10/682,662	: PATENT TERM ADJUSTMENT
Filed: October 9, 2003	: and
Atty Docket No.	: NOTICE OF INTENT TO ISSUE
T80.2H-11334-US01	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 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 four hundred eighty (1480) 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 four hundred eighty (1480) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the 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 eighty (1480)** days.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,605,167 B2

DATED : **October 20, 2009** **DRAFT**

INVENTOR(S) : Tas 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 941 days.

Delete the phrase "by 941 days" and insert – by 1480 days--

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BURGESS & BEREZNAK LLP
800 WEST EL CAMINO REAL
SUITE 180
MOUNTAIN VIEW CA 94040

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Dorwart	:	
Application No. 10/682,667	:	DECISION ON PETITION
Filed: October 9, 2003	:	TO WITHDRAW
Attorney Docket No. 01502.P002X	:	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 and April 21, 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 Bradley J. Bereznak on behalf of all attorneys of record who are associated with customer No. 27660.

All attorneys/agents associated with the Customer Number 27660 have been withdrawn.

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

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

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

Amelia Au
Petitions Examiner
Office of Petitions

cc: Richard W, Dorwart
357 Athens Street
Palo Alto, Ca 94112

cc: Efficient Analytics, Inc.
357 Athens Street
San Francisco, CA 94112

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,702	10/09/2003	Davide Tesi	S1022.81096US00	8539

23628 7590 11/17/2005

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

EXAMINER	
VU, BAO Q	
ART UNIT	**PAPER NUMBER**
2838	

DATE MAILED: 11/17/2005

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 10/11/05

DATE : 09/26/05

TO SPE OF : ART UNIT **2838**

SUBJECT : Request for Certificate of Correction on Patent No.: 10/682702 6946825

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

Angela Green
Certificates of Correction Branch
Tel. No. 703-305-9380 ext. 123

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 amendments are directed towards minor matters of form and have been entered and approved.

KARL D. EASTHOM
PRIMARY EXAMINER

BAO Q. VU
PRIMARY EXAMINER

SPE

2838
Art Unit

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TRASK BRITT
P O BOX 2550
SALT LAKE CITY, UT 84110

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OCT 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Kyle K. Kirby et al	:	
Application No. 10/682,703	:	DECISION GRANTING PETITION
Filed: October 9, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269-5773US	:	

This is a decision on the petition, filed October 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 March 14, 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 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due or the amount due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

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OCT 31 2005

OFFICE OF PETITIONS

In re Application of	:	
Huang et al.	:	DECISION ON PETITION
Application No. 10/682,705	:	UNDER 37 CFR 1.137(b)
Filed: October 8, 2003	:	
Attorney Docket No.	:	
2348.0170000	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the nonfinal Office Action mailed April 7, 2005, which set a three (3) month shortened statutory period to reply. Accordingly, this application became abandoned on July 8, 2005. A Notice of Abandonment was mailed on October 17, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

The petition is **granted.**

This matter is being referred to Technology Center Art Unit 3623.

Telephone inquiries 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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Kiyoshi Matsumoto	: DECISION ON REQUEST FOR
Patent Number	: 7580082	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/682,721	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1397** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
Raymond Payette :
Application No. 10/682,726 : DECISION ON PETITION
Filed: October 10, 2003 : TO WITHDRAW
Attorney Docket No. 87367.1200 : 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 6, 2005.

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 Leo J. Jennings on behalf of all attorneys of record who are associated with Customer No. 30734. To extent that attorneys of record are associated with Customer Number 30734, they have been withdrawn. All remaining practitioners remain of record.

The correspondence address of record remains as indicated below.

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: ROBIC
Centre CDP Capital
1001, Victoria Square – Bloc E – 8th Floor
Montreal, Quebec H2Z 2B7

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MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK, CA 94025-1516

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DEC 2 4 2008

In re Application of :
Ingo Pinnau, et al. :
Application No. 10/682,727 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 975-133 :

This is a decision on the petition, filed September 29, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed May 23, 2008. A Notice of Abandonment was mailed on September 16, 2008. On September 29, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $770 and (3) an adequate statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed on September 29, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Richard Chinn
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314

In re:	Sasaki et al	:	DECISION ON REQUEST
Serial No.:	10/682,732	:	UNDER 37 CFR 5.25
Filing date:	October 10, 2003		
Docket No:	243931US2X		

Title: **THIN FILM MAGNETIC HEAD AND MANUFACTURING METHOD THEREOF**

This is a decision on the petition filed on May 14, 2004 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C.184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country	**Date**
Japan	October 9, 2003

Ian J. Lobo
Patent Examiner
(703) 306-4161

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INTREXON CORPORATION
1872 PRATT DRIVE
BLACKSBURG VA 24060

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of :
Reed :
Application No. 10/682,764 : ON APPLICATION FOR
Filed: October 9, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. A9393 // :
2584.0150001/RWF

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(b) filed May 20, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is at least eight hundred sixty-two (862) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

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

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

---

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

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

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: GRANT E. REED
STERNE, KESSLER, GOLDSTEIN
& FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP, LLP
2475 HANOVER STREET
PALO ALTO, CA 94304-1114

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OFFICE OF PETITIONS

In re Application of: James D. Pylant, et. al. :
Application No. 10/682,788 : NOTICE
Filed: October 8, 2003 :
Attorney Docket No. 067810/0303882 :

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 file is being referred to the Office of Initial Patent Examination for further processing.

Inquiries related to this communication should 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

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OFFICE OF PETITIONS

PILLSBURY WINTHROP, LLP
2475 HANOVER STREET
PALO ALTO, CA 94304-1114

In re Application of: James D. Pylant, et. al. :
Application No. 10/682,789 : NOTICE
Filed: October 8, 2003 :
Attorney Docket No. 067810/0301344 :

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 file is being referred to Technology Center Art Unit 3728 for further processing, in due course.

Inquiries related to this communication should 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

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COMMISSIONER FOR PATENTS
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APR 27 2004

Paper No. 041804

In re Application of KAKUTANI, TOSHIAKI
Appl. No.: 10/682,811
Filed: October 10, 2003
For:

PRINTING SYSTEM, PRINT CONTROLLER, PRINTING APPARATUS, METHOD OF CONTROLLING PRINTING OPERATION, METHOD OF PRINTING, INK CARTRIDGE, INK SUPPLIER, AND RECORDING MEDIUM

WITHDRAWAL FROM ISSUE
37 CFR 1.313

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 therefor will be communicated to you by the examiner.

U.S. Patent and Trademark Office records reveal that the issue fee and the publication fee have not been paid. If the issue fee and the publication fee have 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 and Publication Fee Due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the examiner for action.

Howard Goldberg
Director
Patent Examining Technology Center 2800

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

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P.O. BOX 19928
ALEXANDRIA VA 22320

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Momose, et al.
Application No. 10/682,824
Filed: October 10, 2003
Attorney Docket No. 117495
For: ILLUMINATOR AND PROJECTOR

: DECISION ON
: PETITION

This is a decision on the petition, filed February 17, 2004, requesting that page 4 of the specification be accorded a filing date of October 10, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 10, 2003. On January 15, 2004, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice) informing petitioners that page 4 of the specification appeared to have been omitted.

Petitioners request that page 4 be accorded a filing date of October 10, 2003 on the basis that 32 pages of specification, including page 4, were received in the Patent and Trademark Office (PTO) on October 10, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing October 10, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 32 pages of specification.

The return postcard constitutes *prima facie* evidence that 32 pages of specification were filed on October 10, 2003. MPEP 503. A review of the application file reveals that there are only 31 pages of specification present. Page 4 is missing.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. A review of financial records for this application reveals that petitioners were charged two $130.00 surcharges for filing a late declaration. Pursuant to petitioners' authorization, deposit account no. 15-0461 will be credited one of the two $130.00 surcharges. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 10, 2003**, using the copy of page 4 submitted with the instant petition. Office records will be corrected to show that 32 pages of specification 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

3. Terminal disclaimer with disclaimer fee

☐ Since this international application has an international filing date 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.

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.

October 8, 2003
Date

MARIE GILFILLAN 44085
Signature

212-527-7750
Telephone Number

Michael J. Sweedler
Typed or Printed Name

19,937
Registration Number, if applicable

Post Office Box 5257
Address
New York, New York 10150-5257
Address

Enclosures: ☐ Response
☒ Fee Payment
☐ Terminal Disclaimer
☒ continuation application

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 06, 2007

TO SPE OF : ART UNIT 2621 10/682849

SUBJECT : Request for Certificate of Correction on Patent No.: RE39318 E

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
Certificates of Correction Branch
Tel. No. 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:

No new matter of the certificate of correction filed 01/09/2007 is introduced.

Mehrdad Dastouri — SPE
2621 — 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.

TOWNSEND & BANTA
c/o Portfolio IP
P.O. Box 52050
Minneapolis MN 55402

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of :
Okamoto et al. : DECISION ON APPLICATION
Application No. 10/682,873 : FOR
Filed: October 14, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. TOS-145-USA-D :

This is in response to the "REQUEST FOR PATENT TERM ADJUSTMENT DUE TO DELAY OF U.S. PATENT OFFICE, PURSUANT TO 35 U.S.C. 154, MPEP 2730 AND 37 C.F.R. 1.702" filed March 31, 2007.

The application for patent term adjustment under § 1.705(b) is **DISMISSED AS UNTIMELY FILED**. This application for patent term adjustment is premature, as no determination of patent term adjustment has been issued in this application.

35 U.S.C. 154(b) provides for patent term adjustment for examination delay. Pursuant to 35 U.S.C. 154(b)(3)(B) and implementing regulation 37 C.F.R. § 1.705, an applicant shall receive an initial determination of patent term adjustment with the mailing of the Notice of Allowance and shall be given one opportunity to request reconsideration of that determination by way of filing of an application for patent term adjustment prior to the payment of the issue fee.

This application is currently under examination. No notice of allowance and thus, no determination of patent term adjustment, have been issued. The initial determination of patent term adjustment will be calculated and notification given of the adjustment with the notice of allowance. The period for filing an application for patent term adjustment requesting reconsideration of the initial determination of patent term

adjustment begins with the mailing of the notice of allowance and initial determination of patent term adjustment and ends at the close of the date of payment of the issue fee.

Moreover, with respect to the revised patent term adjustment indicated on the patent, as stated in MPEP 2730,

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

Any request for reconsideration of the patent term adjustment to be considered must be timely filed pursuant to 37 CFR 1.705(b) or (d), as appropriate and include the fee set forth in 37 CFR 1.18(e).

Telephone inquiries specific to this matter 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
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Alexandria, VA 22313-1450
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JUN 16 2006

OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
Yoshiaki Hoashi et al	:	
Application No. 10/682,882	:	ON PETITION
Filed: October 14,2003	:	
Attorney Docket No. 01-511	:	

This is a decision on the petition, filed June 15, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 4, 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 3662 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES 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 16, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

COPY MAILED

JUN 16 2006

OFFICE OF PETITIONS

SUBJECT : Withdrawal from Issue of

Applicant(s) :Yoshiaki Hoashi et al
Application No. :10/682,882
Filed :October 14, 2003

The above-identified application has been assigned Patent No. 7,068,354 and an issue date of June 27, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 27, 2006:

"All reference to Patent No. 7,068,354 to Yoshiaki Hoashi et al of Japan for VEHICLE RADAR DEVICE appearing in the Official Gazette of June 27, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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OCT 2 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Seo et al.	:	
Application No. 10/682,886	:	DECISION ON PETITION
Filed: October 14, 2003	:	
Attorney Docket No. 46500-000583/US	:	

This is a decision on the petition, filed August 3, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 1.181 is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed November 20, 2008.

Petitioner asserts that the Notice dated November 20, 2008 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 non-received 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).

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2627 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Sung-Dong Kim	:	
Application No. 10/682,896	:	DECISION ON PETITION
Filed: October 14, 2003	:	
Attorney Docket No 030681-579	:	

This is a decision on the petition, filed February 25, 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**.

The above identified application was abandoned for failure to submit an amendment in response to the non-final Office action mailed March 5, 2007 which set a shortened statutory period for response of three (3) months. A Notice of Abandonment was mailed February 8, 2008.

Petitioner asserts that an amendment was timely filed in a response received June 1, 2007. . A review of the application confirms this. Accordingly, this application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

This application is being referred to the Technology Center Art Unit 2627 for entry of the amendment filed June 1, 2007 and consideration of that amendment by the examiner.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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APR 20 2005

OFFICE OF PETITIONS

In re Application of :
Michio Inoue, et al. :
Application No. 10/682,909 : ON PETITION
Filed: October 14, 2003 :
Attorney Docket No. 062800-0107 :

This is a decision on the petition, filed April 20, 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 1, 2005, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2851 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

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JJGJR.: 08-06

Paper No: __

WENDEROTH, LIND
& PONACK L.L.P.
Suite 800
2033 "K" Street N.W.
Washington DC 20006

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AUG 17 2006

OFFICE OF PETITIONS

In re Application of :
Yajima :
Application No. 10/682,936 : DECISION ON PETITION
Receipt/Filing Date: 14 October, 2003 :
Attorney Docket No. 2003_1462 :

This is a decision on the petition filed on 17 February, 2004, and considered herein under 37 C.F.R. §1.53.

The Office regrets the delay in addressing this matter, however, the instant petition was delivered to attorneys of the Office of Petitions only at this writing.

NOTES:

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.

Moreover, 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.

It further is noted that there appears to have been *no* such inquiry in the thirty (30) months since the instant petition was filed.

The instant petition is **GRANTED**.

BACKGROUND

The instant application was deposited on 14 October, 2003.

On 15 January, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (the Notice) stating that while the application had been accorded a filing date, it appeared that Fig. 54, as described in the specification, had been omitted on deposit.

OIPE indicated that Petitioner might:

- contend via petition (with a true copy of the drawing) that the drawing had been submitted, and provide support for that contention;
- submit the drawing and accept the date of submission as the filing date; or
- accept the application as deposited.

OIPE set a two- (2-) month period for reply.

On 17 February, 2004, Petitioner submitted the original petition, including therewith, *inter alia*, two date-stamped ("101403" and "OCT 14 2003 OIPE") receipt cards (see: MPEP §503[1])

---

[1] 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).

seeking an 14 October, 2003, filing date for the entire application including Fig. 54, as described in the specification. Petitioner avers therein that the figures were included on filing and provided, *inter alia*, what is averred to be a true copy of Fig. 54 as deposited on 14 October, 2003.

Petitioner Thomas D. Robbins (Reg. No. 43,369) further avers and provides a statement by Pamela Veazy of his firm that:

- one date-stamped receipt card reflects her standard practice of the hand-delivery/deposit of the application and acknowledgment of receipt by the Office at the filing window; and

- the second date-stamped receipt card reflects the mail response of the Office setting forth the application number for the application; and

- further, the hand-written correction of the type-written 46 indicating the number of sheets of drawings (A4P, Figs. 1-54) to hand-written 47 reflects that her review of the application before transporting it from her office to the Office for filing revealed that Fig. 15 had not been included and thus not counted in the original preparation and was then included and counted before the materials were delivered to the Office.

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.[2]

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 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.)

[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).

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

ANALYSIS

A search of the official file reveals that:

- on 14 October, 2003, Petitioner deposited the instant application;
- the stamped receipt card evidences the following, in pertinent part:

* * *

47[3] sheets of drawings (A4P, Figs. 1-54)

* * *

Because Petitioner's receipt card adequately itemized the contents of the application as to the drawings on the receipt card, it is concluded that the application, including Fig. 54, as described in the specification, was deposited with the Office on 14 October, 2003, and Fig. 54, as described in the specification, subsequently was misplaced in the Office.

---

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) 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]

[3] As noted above, the typewritten "46" has been corrected by hand to reflect a hand-written "47."

Accordingly, the application, including Fig. 54, as described in the specification, is entitled to a filing date of 14 October, 2003.

The Notice mailed on 15 January, 2004, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting Fig. 54, as described in the specification.

CONCLUSION

The petition is **granted** and the petition fee waived.

This application is released to OIPE for further processing with a filing date of 14 October, 2003, for the entire application including Fig. 54, as described in the specification, with pages 1 - 67 of the specification (description, claims, abstract), and 47 sheets of drawings (A4P, figs. 1-54), as described in the specification, using:

- **pages 1 - 67of the specification (description, claims, abstract) and 46 sheets of drawings (A4P. Figs. 1 - 53) deposited on 14 October, 2003; and**
- **and 1 sheet of drawings, Fig. 54, as described in the specification and deposited on 17 February, 2004; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 14 October, 2003, and reflecting therein that 67pages of specification (description, claims, abstract) and 47 sheets of drawings (A4P, Figs. 1-54) were present on filing.

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.
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.

OIPE JC109
MAY 0 4 2005
PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 14, 2004.

Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

AMENDMENT UNDER 37 CFR §1.116
Examining Group 1752
Patent Application
Docket No. PI-123D1
Serial No. 10/682,948

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Unknown
Art Unit	:	1752
Applicant	:	Shinichi Tamura
Serial No.	:	10/682,948
Filed	:	October 10, 2003
Conf. No.	:	1380
For	:	Electrophotographic Photoreceptors

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

AMENDMENT UNDER 37 CFR §1.116

Sir:

In response to the Final Office Action dated July 19, 2004, please amend the above-identified patent application as follows:

UNITED STATES 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

Margaret A. Dobrowitsky
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago IL 60610

COPY MAILED

JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Todd Allen Toporski et al.	:	
Application No. 10/682,952	:	
Filed: October 11, 2003	:	DECISION ON
Attorney Docket No. 10541-1826	:	PETITION UNDER
Title: METHOD TO DETERMINE THE PRESENCE OF MULTI-CARRIER SIGNALS	:	37 C.F.R. §1.10(D)

This is a decision on the "Petition for granting of a corrected filing date and issuance of a filing receipt," which is properly treated as a petition under 37 C.F.R. §1.10(d), filed May 10, 2004, requesting that application number 10/682,952 be accorded a filing date of October 9, 2003.

The application was deposited on October 11, 2003.

Petitioner has alleged that the application was deposited on October 9, 2003, and the incorrect date was written on the Express Mail label. With his petition, Petitioner has included a copy of a USPS "pickup service statement," a copy of express mail label EV329457648US[1] bearing a date-in of October 11, 2003, a copy of Petitioner's postcard receipt, a printout of the USPS's online tracking results, and a declaration of facts.

The petition fee has been charged to Petitioner's Deposit Account.

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1 It is noted that this same Express Mail number appears on the Patent Application Transmittal Letter which was included on filing.

The Pickup Service Statement has a section which is labeled "Product section," where two express mail numbers are listed. The express mail number which is associated with the instant application appears in this section. In the section entitled "Affix Stamps or Meter Strip Here (if applicable)" appears a date which is either the fourth or the ninth of October, 2003," along with a signature which is not legible. Nowhere on the form does either the signor's printed name or title appear.

Unfortunately, this pickup service statement alone cannot serve as evidence that application was delivered to the USPS on October 9, 2003. Petitioner may wish to consider obtaining a signed declaration of facts from the individual who signed this statement, attesting that the date is in fact October 9, 2003, and that this note indicates that Express Mail label EV329457648US was picked up on that date. The declaration should set forth both the name and the title of this individual, as well as the fact that he or she is an employee of the USPS. If this individual is not available, Petitioner may wish to submit a statement from an official at his local post office.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. The printout of the USPS's online tracking results which has been provided is inconclusive, in that it does not show the date on which the package was initially accepted.

Regarding the submitted declaration of facts, a legal secretary has asserted that she deposited the above-identified application into the Express Mail outgoing mailbox on October 9, 2003. Regarding this assertion, this memory of a routine mailing practice which occurred seven months prior is not persuasive.

Furthermore, 37 C.F.R. §1.10(d)(1) requires any petition under this section to be filed promptly after a petitioner becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS. Petitioner has alleged that on October 9, 2003, his law firm attempted to deliver a package to the Office, and "10/11/03" was incorrectly written in the "date-in" field of the Express Mailing label. Petitioner either knew or should have known that when applicants choose to use the Express Mail procedure to secure a filing date, the date which is entered in the "date-in" field of the Express Mail label is the date which the Office uses when determining what date the package was accepted by the USPS. Hence, Petitioner should have known on October 9, 2003 that the Office would accord a filing date of October 11, 2003. Since this

petition was not filed until seven months later, it was not promptly filed[2].

For these reasons, the instant petition must be **DISMISSED.**

Any reply 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 reply should include a cover letter entitled "Renewed Petition(s) Under 37 C.F.R. §§1.10(d) *and 1.183, if applicable*". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

The renewed petition may be submitted by mail[3], hand-delivery[4], or facsimile[5].

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
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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2 Petitioner will note that 37 C.F.R. §1.10(d)(1) cannot be waived without the filing of a petition under 37 C.F.R. §1.183. The fee for filing a petition under this section is $130.

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

5 (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.

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

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OFFICE OF PETITIONS

In re Application of :
Kourosh Parsa, et al. :
Application No. 10/682,985 : ON PETITION
Filed: October 14, 2003 :
Attorney Docket No.: 57042-079 :
:

This is a decision on the petition, filed December 5, 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 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 2631 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).

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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK NY 10018

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OFFICE OF PETITIONS

In re Application of	:	
John Brian Duquette	:	ON PETITION
Application No. 10/683,013	:	
Filed: 10 October, 2003	:	
Atty Docket No. 600.1257	:	

This is a decision on the petition filed on 13 March, 2006, under 37 CFR 1.137(b)[1] to revive the above-identified application.

The petition is granted.

This application became abandoned on 6 August, 2005, for failure to file a timely reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 5 July, 2005, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

Petitioners have filed an amendment, including a corrected sheet of drawings, in response to the Notice.

The application is being forwarded to the Technology Center for further processing.

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

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& KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK NY 10018

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OFFICE OF PETITIONS

In re Application of :
Duquette :
Application No. 10/683,013 : DECISION
Filed: 10 October, 2003 :
Attorney Docket No. 600.1257 :

This is a decision on the petition filed on 19 December, 2008, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects that:

Petitioner failed to reply timely and properly to the final Office action mailed on 12 September, 2007, with reply due absent extension of time on or before 12 December, 2007.

On 5 November, 2007, Petitioner filed, *inter alia*, an after-final amendment, which the Examiner refused to enter and Petitioner–as one registered to practice before the Office—knew was not as

of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 5 February, 2008, the Examiner mailed an Advisory Action.

On 14 February, 2008, Petitioner filed, *inter alia*, a Notice of Appeal (with fee) with a request and fee for extension of time.

The application went abandoned by operation of law after midnight 14 April, 2008.

The Office mailed the Notice of Abandonment on 8 October, 2008.

On 19 December, 2008, Petitioner filed, *inter alia*, a petition (with fee authorization) pursuant to 37 C.F.R. §1.137(b) averring unintentional delay, a reply in the form of an Appeal Brief and fee, 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.[2]

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).[3]
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.[4]))

---

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[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] 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.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3742 to await the Examiner's Answer in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) 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

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of :
Marcus :
Application No. 10/683,017 : ON PETITION
Deposited: October 10, 2003 :
Attorney Docket No. SPCH-103 (US) :
For: RANDOM CONFIRMATION IN SPEECH :
BASED SYSTEMS

This is a decision on the petition filed October 18, 2004 (certificate of mailing date October 12, 2004), requesting that the Office accept the 14 sheets of drawings submitted with the instant petition as part of the application papers deposited on October 10, 2003.

The application was deposited on October 10, 2003. However, on August 26, 2004, the Office of Initial Patent Examination mailed a notice stating that the application had not been accorded a filing date because drawings of the invention appeared to have been omitted. The Notice required petitioner to submit an executed oath/declaration, as well.

In response, an executed declaration and the present petition were filed. Applicant states that the drawings were inadvertently omitted from the application papers submitted on October 10, 2003. Petitioner points to the copy of the Utility Patent Application Transmittal indicating that 14 sheets of drawings were to be filed on October 10, 2003. Petitioner requests that the Office accept the omitted 14 sheets as filed on October 10, 2003.

As stated in the August 26, 2004 Notice, petitioner was afforded two options in dealing with the omitted drawings issue. Petitioner could either show evidence that the drawings were filed on October 10, 2003 or submit the drawings and accept the date of their submission as the filing date of the application.

Petitioner selected neither option.

Petitioner does not allege in the petition that 14 sheets of drawings were actually filed with the other application papers on October 10, 2003, and later misplaced in the Office. Instead,

petitioner admits the drawings were omitted and requests that they be regarded as part of the application filed on October 10, 2003 based on their listing on the Utility Patent Application Transmittal filed on October 10, 2003. However, their listing on the Utility Patent Application Transmittal shows at most only the intent to file them on that date.

The only issue appropriately addressed on petition to the Director is whether or not drawings were filed on October 10, 2003, and later misplaced by the Office. Clearly, they were not in this case.

Accordingly, the petition is dismissed. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

Petitioner is encouraged to file his date stamped itemized postcard receipt. A date stamped properly itemized postcard receipt constitutes *prima facie* evidence that the items listed on the postcard were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503.

The application is being returned to the Office of Initial Patent Examination. The application still has not been accorded a filing date.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Marcus :
Application No. 10/683,017 : ON PETITION
Filed: October 18, 2004 :
Attorney Docket No. SPCH-103 (US) :
For: RANDOM CONFIRMATION IN SPEECH :
BASED SYSTEMS

This is a decision on the reconsideration petition filed December 1, 2004 requesting that the Office accept the 14 sheets of drawings submitted on November 30, 2004 as part of the application papers deposited on October 10, 2003.

The application was deposited on October 10, 2003. However, on August 26, 2004, the Office of Initial Patent Examination mailed a notice stating that the application had not been accorded a filing date because drawings of the invention appeared to have been omitted. The Notice required petitioner to submit an executed oath/declaration, as well.

In response, an executed declaration and a petition to accord filing date were filed on October 18, 2004 (certificate of mailing date October 12, 2004) . Applicant states that the drawings were inadvertently omitted from the application papers submitted on October 10, 2003. Petitioner points to the copy of the Utility Patent Application Transmittal indicating that 14 sheets of drawings were to be filed on October 10, 2003. Petitioner requests that the Office accept the omitted 14 sheets as filed on October 10, 2003.

As stated in the August 26, 2004 Notice, petitioner was afforded two options in dealing with the omitted drawings issue. Petitioner could either show evidence that the drawings were filed on October 10, 2003 or submit the drawings and accept the date of their submission as the filing date of the application.

Petitioner selected neither option. Therefore, the petition was dismissed on November 19, 2004.

Petitioner timely filed the present reconsideration petition on December 1, 2004. Petitioner requests that the above-identified application be accorded a filing date of October 10, 2003 on the basis that 14 sheets of drawing were received in the Patent and Trademark Office (PTO) on October 10, 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 October 10, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 14 sheet of drawings.

The return postcard constitutes *prima facie* evidence that 14 sheets of drawings were filed on October 10, 2003. MPEP 503. Accordingly, the request is granted.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 10, 2003**, using the copy of the 14 sheets of drawings submitted on November 30, 2004. Office records will be corrected to show that 14 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KELLEY DRYE & WARREN LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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OFFICE OF PETITIONS

In re Application of	:	
Jeffrey N. Marcus	:	
Application No. 10/683,017	:	DECISION ON PETITION
Filed: October 18, 2004	:	TO WITHDRAW
Attorney Docket No. N0484.70803US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2009.

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

A review of the file record indicates that the power of attorney to Kelley Drye & Warren LLP has been revoked by the assignee of the patent application on August 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **WOLF GREENFIELD & SACKS, P.C.**
600 Atlantic Avenue
Boston, MA 02210-2206

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INDIANAPOLIS IN 46204

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OFFICE OF PETITIONS

In re Application of :
Baarman, et al. :
Application No. 10/683,020 : DECISION ON PETITION
Filed: October 9, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 3086/1388 (BH2088.P1) :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 13, 2005, 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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-fiiled provisional application as required by 37 CFR 1.78(a)(5)(iii). Additionally, the instant nonprovisional application already claims benefit of application no. 09/680,345, filed October 5, 2000, which was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/157,760, which was filed on October 5, 1999, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

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

Any inquiries concerning this decision may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230. 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 2834 for appropriate action on the amendment submitted January 13, 2005, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/157,760.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILWAUKEE WI 53202

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OFFICE OF PETITIONS

In re Application of :
Trosman, et al. :
Application No. 10/683,025 : DECISION ON PETITION
Filed: October 9, 2003 : TO WITHDRAW
Attorney Docket No. 056527-0007 : 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 8, 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 remain 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 April 4, 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 April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Baker & McKenzie
Av. Leandro N. Alem 1110 - Piso 13
(1001) Buenos Aires
Argentina

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

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JUN 26 2006

OFFICE OF PETITIONS

In re Application of :
Smith et al. :
Application No. 10/683,035 : DECISION ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. 920476-94888 :

This is a decision on the petition under 37 CFR 1.181, filed April 11, 2006, to withdraw the holding of abandonment for the above-identified application.

On September 13, 2005, the Office mailed a nonfinal Office action, which set a three month shortened statutory period to reply. On March 16, 2006 (certificate of mailing dated March 13, 2006), applicant submitted a response, a request for an extension of time for filing a response within the third month, and the requisite fee. On March 22, 2006, the Office mailed a Notice of Abandonment, indicating the application was abandoned because no reply was received.

In the present petition, applicant asserted that he filed a timely reply pursuant to 37 CFR 1.8. A review of the record reveals that on March 16, 2006, the Office received applicant's request for a three-month extension of time to respond, the required fee, and the reply, which included a certificate of mailing dated March 13, 2006. Accordingly, the response is considered timely filed on March 13, 2006. See 37 CFR 1.8(a).

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted on March 13, 2006.

The matter is being referred to Technology Center Art Unit 2685.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/683,044	10/09/2003	3721	770	CM-2702	1	20	3

CONFIRMATION NO. 9904

CORRECTED FILING RECEIPT

OC000000014428627

27752
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

Date Mailed: 11/22/2004

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)

David John Smith, Durham, UNITED KINGDOM;
Rhys Jones, Cincinnati, OH;

Power of Attorney: The patent practitioners associated with Customer Number **27752**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/417,100 10/09/2002

Foreign Applications

If Required, Foreign Filing License Granted: 01/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/683,044

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pouch manufacture and uses

Preliminary Class

053

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).

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In re Application of:
SMITH, DAVID JOHN ET AL.
Serial No.: 10/683,044
Filed: October 9, 2003
Docket: CM-2702
Title: POUCH MANUFACTURE AND USES

DECISION ON PETITION

This is a decision on the petition filed April 22, 2005 to request additional time to respond based upon failure to provide applicants with an English language translation with the original Office action or alternatively withdraw the holding of abandonment.

The petition is **dismissed**.

In the petition, the applicants requested additional time to respond to the non-final Office action of Sept. 28, 2004 because according to MPEP 706.02 II, the examiner failed to provide the applicants with an English language translation of the French patent 2,801,179. Subsequently on March 9, 2005, the examiner provided a copy of the French patent equivalence in English language (US Pat. 6,823,649) issued on Nov. 30, 2004 to the applicants for their consideration. Based on the receipt of the English language equivalence on April 22, 2005, the applicants filed a complete response to the Office action of September 28, 2004. In the alternative, the applicants ask for withdrawal of the holding of abandonment due to untimely filed response on April 22, 2005. The petitioner opined that examiner should have provided the applicants with English language translation of the French patent when issuing the non-final Office action on Sept. 28, 2004.

The record shows that:

1) In accordance with 37 CFR 1.56, 1.97 and 1.98, on Aug. 25, 2004, the applicants filed an IDS statement consists of one full page of US patent documents and four full pages of foreign patent documents. The French patent 2801179 was one of the foreign patent documents cited by the applicants. In the IDS, no English language translation or statement of relevance in English was provided with the French patent. However, this French patent was listed in the PCT search report (PCT/US 03/29477).

2) On September 28, 2004 the examiner issued a non-final Office Action rejecting the claims citing French patent 2,801,179.
3) On December 17, 2004 the applicant filed a reply to the September 28, 2004 Office Action requesting an English language translation of the French patent cited in the Office Action.
4) On March 9, 2005 the examiner issued an Action stating that the December 17, 2004 reply was not responsive to the September 28, 2004 Office Action, and the application was therefore abandoned if no extension of time was filed. In the Office action, the examiner provided a copy of the English language equivalence of the French patent 2,801,179. The English language of equivalence of the French patent is the U.S. Patent, 6,823,649 to Pauchet.
5) On April 22, 2005, the applicants filed a complete response to the non-final Office action of September 28, 2004.
6) On April 22, 2005 the applicant filed the present petition requesting a reset period for reply starting on the date the translation was mailed on March 9, 2005.

Applicable Rules and Statutes

37 CFR 1.98 (a)(3):
(i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.
(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).
MPEP 609.04 (a) II, relevant portions reproduced below: 37 CFR 1.98(a)(3)(ii) states that if a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c), a copy of the translation shall accompany the statement. Translations are not required to be filed unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.
MPEP 609.04 (a) III states: III. CONCISE EXPLANATION OF RELEVANCE FOR NON-ENGLISH LANGUAGE INFORMATION
Each information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language. The concise explanation may be either separate from the specification or part of the specification. If the concise explanation is part of the specification, the IDS listing should include the page(s) or line(s) numbers where the concise explanation is located in the specification. The requirement for a concise explanation of relevance is limited to information that is not in the English language. The explanation required is limited to the relevance as understood by the

individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office. If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required. An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. The requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120.

Issue

Is MPEP 706.02 II applicable in the non-final Office action of September 24, 2004?

Relevant portion of MPEP 706.02 II is reproduced below:

Prior art uncovered in searching the claimed subject matter of a patent application often includes English language abstracts of underlying documents, such as technical literature or foreign patent documents which may not be in the English language..... If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.

Analysis

A review of IDS statement filed on April 25, 2004 by the applicants reveals that there was no concise explanation of relevance associated with the French Patent 2,801,179 provided by the applicants. In this application, it is presumed that the applicants understood what was filed in the IDS statement. It is also noted that the English equivalence of the French Patent 2,801,179 is the U.S. Patent 6,823,649 to Pauchet. The Pauchet patent was issued on Nov. 30, 2004. The applicants would have had ample time to obtain a copy for their preparation to respond the outstanding non-final Office action of Sept. 28, 2004. When the examiner issued the non-final Office action, the Office action clearly shows that the examiner relied upon the figures of the French Patent 2,801,179 in the rejection of claims 1-10. This practice is clearly supported by the MPEP 609.04(a) II.

Petitioner's argument based upon the MPEP 706.02II is not persuasive because this portion of MPEP deals with foreign patent documents "uncovered in searching the claimed subject matter" by the examiner. The examiner did not uncover this French Patent 2,801,179 (see IDS filed by applicants on April 25, 2004) in the search of the claimed subject matter. The French patent was submitted by the applicants with representation to the Office as relevant to the claimed invention in this application. Since the French patent was provided by the applicants in the IDS statement

of April 25, 2204 without any comments, then, the examiner appears to rely upon the drawings of the French patent in the rejection. The examiner's non-final Office action was proper. No English language translation was needed in this case.

Conclusion

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's non-final rejection of September 28, 2004 was proper. English language translation of French Patent 2,801,179, which was submitted by the applicants, was unnecessary because the examiner appears to rely upon the figures of the French patent in the rejection of claims 1-10. Since the responsive amendment of April 22, 2005 was untimely filed, then, this application is deemed abandoned.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1. 136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov. Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

The petition is dismissed.

Frederick R. Schmidt, Director
Technology Center 3700

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OFFICE OF PETITIONS

In re Application of :
David John Smith et al :
Application No. 10/683,044 : DECISION GRANTING PETITION
Filed: October 9, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. CM-2702 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the previously filed amendment of April 22, 2005; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of September 28, 2004, 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 3721.

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

CHIEF INTELLECTUAL PROPERTY COUNSEL
BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317-0001

In re Application of :
John W. Fieldhouse et al :
Application No. 10/683,050 : ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. P00055US3A(P315) :

This is a decision on the petition filed September 5, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed May 24, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 25, 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 issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. BOX 160727
AUSTIN TX 78716-0727

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OFFICE OF PETITIONS

In re Application of :
ASTRACHAN, Paul M. :
Application No. 10/683,062 : DECISION GRANTING PETITION
Filed: October 10, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. VIXS061 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 31, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 18, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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AKRON OH 44308

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OFFICE OF PETITIONS

In re Application of	:	
Gary A. Martek	:	
Application No. 10/683,063	:	DECISION GRANTING PETITION
Filed: 10 October, 2003	:	
Docket No. SHE.P.US0020	:	

This is a decision on the petition, filed on 23 December, 2004, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 7 October, 2004. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 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 present 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)(i) has been rescinded. It is noted that petitioner filed a Request to Rescind the Nonpublication Request on 23 December, 2004. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, showing the projected publication date of 5 May, 2005, was mailed on 24 January, 2005.

This application is being referred to Technology Center Art Unit 2821 for further processing.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 25, 2009

TO SPE OF : ART UNIT 3775 - SPE Thomas C. Barrett.

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/683,076 Patent No.: 7,608,094 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the IDS filed November 2, 2006 have been entered? Applicant is requesting U.S. Patent. Documents to be added.

Certificates of Correction Branch
(571)272-0483

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 Information Disclosure Statements dated November 2, 2006 and December 18, 2006 were considered by the Examiner in making a patentability determination. The Applicant has been notified.

Examiner A.Ramana

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

Mail Date: 04/21/2010

Applicant	: Mark H. Falahee	: DECISION ON REQUEST FOR
Patent Number	: 7608094	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/683,076	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1071** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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