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NOV 16 2004

OFFICE OF PETITIONS

In re Application of	:	
Delledonne, Rivetti, Boden,	:	
Kailasam, Lewis, Nisoli, Ofori,	:	DECISION ACCORDING STATUS
Gonzalez, and Fernandez	:	UNDER 37 CFR 1.47(a)
Application No. 10/740,578	:	
Filed: 22 December, 2003	:	
Attorney Docket No. 246967US0	:	

This is in response to the petition under 37 CFR 1.47(a)[1] filed on 20 October, 2004.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventors have refused to sign the declaration. Specifically, petitioners have shown, via the statement of Registered Patent Agent Stefan U. Kchmieder, that a copy of the application papers was sent to counsel for the non-signing inventors. However, the non-signing inventors failed to sign and return the declaration.

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

As provided in Rule 1.47(c), this Office will forward notice of

---

[1] A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

this application's filing to the non-signing inventor at the address given in the petition, not the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to Technology Center 1600 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Eugene Pauling Boden
805 Swaggertown Road
Scotia, NY 12302

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Boden:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Ganesh Kailasam
c/ No. 1 Mariano Paleria
El Verdolay, La Alberca,
Murcia 30150
SPAIN

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Kailasam:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Larry Neil Lewis
7 Harvest Drive
Scotia, NY 12302

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Lewis:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA VA 22314

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Alberto Nisoli
1365 VanAntwerp Road, Apt. E-4
Niskayuna NY 12309

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Nisoli:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA VA 22314

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John Yaw Ofori
1187 Hillside Avenue, Apt. B36
Niskayuna NY 12309

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Ofori:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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Angel Sanchez Gonzalez
Actor Francisco Rabal 1,
Murcia 30009
SPAIN

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OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Gonzalez:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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Ignacio Vic Fernandez
c/Playa del Saler 2,
28290 Las Matas
Madrid
SPAIN

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of
Delledonne et al.
Application No. 10/740,578
Filed: 22 December, 2003
For: METHOD AND APPARATUS FOR PREPARING A DIALKYL CORBONATED, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

Dear Mr. Fernandez:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22314

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JAN 26 2005

OFFICE OF PETITIONS

In re Application of :
Daniele Delledonne et al :
Application No. 10/740,578 : DECISION ON PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 246967USO :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/227,111, filed August 23, 2002.[1]

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the above-noted, prior-filed nonprovisional application is submitted

[1] Prior-filed nonprovisional Application No. 09/682,286, filed August 14, 2001, was previously noted by the Office as shown by its inclusion on the initial Filing Receipt. Therefore, the decision on the petition for a late claim for priority will be directed solely to nonprovisional Application No. 10/227,111.

after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title (as well as in an Application Data Sheet), as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

This matter is being referred to Technology Center Art Unit 1626 for appropriate action on the amendment filed July 20, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application, which is the subject of the instant petition.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-05--09

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/740601 Patent No.: 6902777

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____ 1795

SPE **Art Unit**

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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of
Nurminen, et al.
Application No. 10/740,623
Filed: December 22, 2003
Docket No.: 4208-4140 (NC 28879)

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 20, 2008, to withdraw the holding of abandonment.

The petition is **GRANTED**.

Petitioners contend the application has been held abandoned for failure to timely submit a properly reply to the Office communication mailed July 12, 2007. Notice of Abandonment has not been mailed.

Petitioners assert non-receipt of the Office communication mailed July 12, 2007 that set a 30 day or month (whichever is longer) period of time for reply.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from

the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). *See*, MPEP 8th Ed., (Rev. September 2007) at 711.03(c).

The arguments presented have been carefully considered. The evidence submitted establishes that the Office communication was not received.

In view thereof, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to Technology Center 2600 further processing of the response to the non-final Office action submitted herewith.

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

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

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

Mail Date: 04/21/2010

Applicant	: Stefan Edelmann	: DECISION ON REQUEST FOR
Patent Number	: 7664772	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/740,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1529** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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

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MAY 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,499,856	: DECISION ON REQUEST
Takahashi et al.	: FOR
Issue Date: March 3, 2009	: RECONSIDERATION OF
Application No. 10/740,642	: PATENT TERM ADJUSTMENT
Filed: December 22, 2003	: and
Atty Docket No. 246965US90	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 1, 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 seventy (1470) 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 seventy (1470) days is **GRANTED**.

Receipt of the $200 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand four hundred seventy (1470)** days.

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 DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,499,856 B2

DATED : **March 3, 2009** **DRAFT**

INVENTOR(S) : Takahashi 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 1088 days

Delete the phrase "by 1088 days" and insert – by 1470 days--

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

HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Paul W. Futa JR.	: DECISION ON REQUEST FOR
Patent Number	: 7607285	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/740,651	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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Paper No. None

CYMER INC
LEGAL DEPARTMENT
17075 Thornmint Court
SAN DIEGO CA 92127-2413

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JUL 18 2005

OFFICE OF PETITIONS

In re Application of :
John A. Rule et al. :
Application No. 10/740,659 : DECISION ON PETITION
Filing Date: December 18, 2003 :
Attorney Docket No. : 2003-0053-01 :
Title: METHOD AND APPARATUS FOR :
CONTROLLING THE OUTPUT OF A GAS :
DISCHARGE MOPA LASER SYSTEM :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 25, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application number 10/631,349, as in an amendment to the supplemental application data sheet filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after

expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the Application Data Sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

This matter is being referred to Technology Center Art Unit 2828 for appropriate action on the amendment filed October 25, 2004, including consideration by the Examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

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 Senior Attorney Paul Shanoski at (571) 272-3225.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/18/08 **Paper No.:** _____

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction on Patent No.: 7209507

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

CHANGES TO CLAIMS APPROVED?

Thank You For Your Assistance

D. Irvine
Certificates of Correction Branch
Tel. No. 703-308-9590

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

☐ Approved	All changes apply.
☒ Approved in Part	Specify below which changes do not apply.
☐ Denied	State the reasons for denial below.

Comments:

please enter the whole proposed certificate of correction Except for the change in claim 41 because it would broaden the claim.

MINSUN OH HARVEY
PRIMARY EXAMINER

SPE

2828
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/18/08 **Paper No.:** _____

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction on Patent No.: 7209507

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

Please complete this form and return with file, within 7 days to:
Palm location 7580, Certificates of Correction Branch – South Tower – 9A22
If response is for an IFW, return to employee (named below) via PUBSCofC Team in MADRAS.

CHANGES TO CLAIMS APPROVED?

Thank You For Your Assistance

D. Irvine
Certificates of Correction Branch
Tel. No. 703-308-9590

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

- ☐ **Approved** — All changes apply.
- ☒ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

please enter the whole proposed certificate of correction Except for the change in claim 41 because it would broaden the claim.

MINSUN OH HARVEY
PRIMARY EXAMINER

SPE

2828
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Deneef, Philippe	:	DECISION ON PETITION
Application No. 10/740,668	:	TO MAKE SPECIAL
Filed: December 22, 2003	:	37 CFR1.102(D)
Attorney Docket No. Q-79098	:	

This is a decision on the petition under 37 CFR §1.102(d), filed January 30, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3624 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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JUN 29 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of :
Jianwei LIU, et al :
Application No. 10/740,706 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. 146712016000 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 30, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Peter J. Davis does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

April Wise
Petitions Examiner
Office of Petitions

cc: RAJ S. DAVE, PH. D.
DARBY & DARBY, P.C.
1500 K STREET, N.W.
SUITE 250
WASHINGTON, D.C. 20005-1714

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **September 24,2007**

TO SPE OF : ART UNIT **1626**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/740,708** Patent No.: **7192976 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: _____

Joseph K. McKane

JOSEPH K. McKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE 1626 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington DC 20005-3096

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Hideaki Shino et al.	:	
Application No. 10/740,713	:	DECISION GRANTING PETITION
Filed: December 22, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 65933-063	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 4, 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 May 4, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2618 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
Petitions Examiner

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : June 6, 2007

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 10/740,713**

Applicant(s) : Hideaki Shino et al.
Application No. : 10/740,713
Filed : December 22, 2003

The above-identified application has been assigned Patent No. 7,231,185 and an issue date of June 12, 2007.

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 12, 2007:

"All reference to Patent No. 7,231,185 to Hideaki Shino et al. of Japan for RECEIVED RESPONSE CHARACTERISTICS STORING METHOD AND RADIO APPARATUS UTILIZING THE SAME appearing in the Official Gazette of June 12, 2007 should be deleted since no patent was granted."

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)
Bradley Harris
Kimberly Terrell
Kay Pinkney
Betty Powell

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE 1AP97
OCT 26 2007
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Washington DC 20005-3096

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Hideaki Shino et al.	:	
Application No. 10/740,713	:	DECISION GRANTING PETITION
Filed: December 22, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 65933-063	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 4, 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 May 4, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2618 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
Petitions Examiner

[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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DTW Aug-05

WAGNER, MURABITO & HAO LLP
THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE CA 95113

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Van Dyke et al.	:	DECISION ON PETITION
Application No. 10/740,721	:	
Filed: 18 December, 2003	:	
Atty Docket No. NVID-P000667	:	

This is a decision on the petition, filed on 8 July, 2005, 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 application filed on 14 September, 2004, and an international application filed on 13 September, 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.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of 24 November, 2005, is enclosed herewith.

The application is being referred to the Office of Initial Patent Examination for further processing.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

UNITED STATES PATENT AND TRADEMARK OFFICE

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DRW Aug-05

WAGNER, MURABITO & HAO LLP
THIRD FLOOR
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SAN JOSE CA 95113

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Diamond et al.	:	DECISION ON PETITION
Application No. 10/740,722	:	
Filed: 18 December, 2003	:	
Atty Docket No. NVID-P000784	:	

This is a decision on the petition, filed on 11 July, 2005, 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 application filed on 14 September, 2004, and an international application filed on 13 September, 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.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of 10 November, 2005, is enclosed herewith.

The application is being referred to Technology Center Art Unit 2825 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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JUL 18 2008

In re Application of :
Michael B. Diamond et al :
Application No. 10/740,722 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. NVID-P000871.2

This is a decision on the petition, filed July 17, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 16, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN JOSE, CA 95113

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OFFICE OF PETITIONS

In re Application of :
James M. Van Dyke, et al. :
Application No. 10/740,723 :
Filed: December 18, 2003 :
Attorney Docket No. NVID-POO1160 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 8, 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 September 13, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 10, 2005 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (571) 272-3204.

This application is being referred to Technology Center Art Unit 2857 for further procesution.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Frank Tsai
7698 Brookwood Drive
Huntington Beach, CA 92648

COPY MAILED

NOV 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman et al.	:	
Application No. 10/740,733	:	DECISION ACCORDING STATUS
Filed: December 19, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 4860P2667X3	:	
For: Computer Controlled Display	:	
Device	:	

Dear Mr. Tsai:

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.

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).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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NOV 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman et al.	:	
Application No. 10/740,733	:	DECISION ACCORDING STATUS
Filed: December 19, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 4860P2667X3	:	
For: Computer Controlled Display	:	
Device	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 2, 2004 (certificate of mailing dated August 30, 2004).

The petition is granted.

Petitioner has shown that Frank Tsai, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of J. Scott Heileson establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

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

The matter is being referred to Technology Center Art Unit 3611 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

COPY MAILED

OCT 07 2009

OFFICE OF PETITIONS

In re Patent No. 7,488,002
Application No. 10/740,751
Filed: December 22, 2003
Issued: February 10, 2009
Attorney Docket No. WPTA123269

ON PETITION

This is a decision on the petition filed August 18, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	B.H. Ahlers et al.	Attorney Docket No.:	WPTA123269
Application No.:	10/740751	Confirmation No.:	3401
Patent No.	7,488,002 B2	Issued:	February 10, 2009
Title:	SECURITY AND/OR VALUE DOCUMENT		

PETITION REQUESTING ISSUANCE TO AN ASSIGNEE PURSUANT TO 37 CFR 3.81(b)

Seattle, Washington 98101

August 18, 2009

TO THE COMMISSIONER FOR PATENTS:

Pursuant to 37 C.F.R. § 3.81(b), applicants hereby request that the above-identified patent be corrected to reflect the correct Assignee -- Securency International Pty Ltd. In support of this petition, applicants note that the name change of the Assignee from Securency Pty Limited to Securency International Pty Ltd was recorded on May 12, 2008, at Reel 020936, Frame 0870, as set forth in 37 C.F.R. § 3.11. A copy of the Notice of Recordation of the name change is enclosed. This application issued as Patent No. 7,488,002 on February 10, 2009, i.e., after the name change was properly recorded. The change of name was recorded after the issue fee was paid. As a result, applicants submit that this petition to correct the name of the Assignee is in order.

As required by 37 C.F.R. § 3.81(b), filed herewith is a Request for Certificate of Correction that includes a request for the Assignee name to be corrected.

The petition fee under 1.17(i) in the amount of $130.00 and the Certificate of Correction fee of $100.00 are paid herewith via credit card. The Commissioner is additionally hereby authorized to charge any other fees associated with this paper, or credit any overpayment, to Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC

Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

Adjustment date: 10/06/2009 CKHLOK
08/19/2009 INTEFSW 00003447 10740751
01 FC:1811 -100.00 OP
02 FC:1808 -130.00 OP

10/06/2009 CKHLOK 00000006 7488002
GSK:aew
01 FC:1811 100.00 OP
02 FC:1808 130.00 OP

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-05-10

TO SPE OF : ART UNIT 3724

SUBJECT : Request for Certificate of Correction for Appl. No.: 10740751 Patent No.: 7488002

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

SPE

3724
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

MILBANK, TWEED HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEWYORK, NY 10005-1413

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AUG 1 1 2008

In re Application of	:	
Gary Borodic	:	
Application No. 10/740,755	:	DECISION GRANTING PETITION
Filed: December 22, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 33677.00200US	:	

This is a decision on the petition, filed June 11, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**, *nunc pro tunc*.

It is noted that, although the petition to withdraw from issue had not been acted upon by the appropriate deciding official of the U.S. Patent and Trademark Office, the Technology Center processed the request for continued examination (RCE) under 37 CFR 1.114 and subsequently issued a new Notice of Allowance and Fee(s) Due and Notice of Allowability on August 5, 2008. Where an issue fee has been paid and an RCE is subsequently filed, the RCE is not a proper filing unless a petition to withdraw from issue has been granted. Therefore, the examiner was without authority to act further in the case absent a grantable petition withdrawing the application from issue. Nevertheless, in view of this decision on petition, the RCE is now considered a proper filing and the actions of the examiner taken thereafter are hereby ratified.

The second Notice of Allowance and Fee(s) Due mailed August 5, 2008, must be paid by November 5, 2008 to avoid abandonment of the application.

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

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

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AUG 0 1 2008

In re Application of :
Yusuke Nanjo, et al. :
Application No.: 10/740,759 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No.: SON-1605/CON :

This is a decision on the petition, filed July 30, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 13, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2622 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE
501
WASHINGTON DC 20036

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AUG 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Nanjo et al.	:	DECISION ON APPLICATION
Application No. 10/740,759	:	FOR
Filed: December 22, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
SON-1605/CON	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed on June 3, 2008.

In view of the withdrawal of allowance dated August 1, 2008, a decision on the application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is being held in abeyance.

Should a new Notice of Allowance issue and applicant is in disagreement with the period of adjustment set forth therein, applicant should, at or prior to payment of the issue fee, renew the instant application for patent term adjustment.

No additional application fee will be due in connection with a renewed application for patent term adjustment as the Office hereby acknowledges receipt of the required $200.00 application fee submitted herewith. A copy of this letter should accompany any subsequently filed request for reconsideration.

The application is being forwarded to Technology Center Art Unit 2622.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Mail Date: 04/21/2010

Applicant	: William F. Egan	: DECISION ON REQUEST FOR
Patent Number	: 7625827	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/740,774	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **936** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

07/15/04

Steven M. Haas
Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 4411-2579

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/740777 received on 06/21/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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www.uspto.gov

Wagner, Murabito & Hao LLP
Third Floor
Two North Market Street
San Jose, CA 95113

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Michael B. Diamond, et al. :
Application No. 10/740,779 : DECISION ON PETITION
Filed: December 18, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. NVID-P001161 :

This is a decision on the petition, filed July 8, 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 applications filed in an eighteen-month publication country on September 13, 2004 and September 14, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject applications 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 January 5, 2006 accompanies this decision on petition.

Petitioner should note that the time period for filing a reply to the non-final Office action mailed July 14, 2005 continues to run from the date of that action. Failure to submit a reply within the time period set (including any extensions of time obtained under the provisions of 37 CFR 1.136) will again result in the abandonment of the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

This application is being referred to Technology Center Art Unit 2863 for examination in due course.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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)
6967852	2005-11-22	10740782	2003-12-19	S884.12-0002

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	/Michael A. Collins/	Date (YYYY-MM-DD)	2010-03-18
Name	Michael A. Collins	Registration Number	59135

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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In re Patent No. 6967852
Issue Date: November 22,2005
Application No. 10740782
Filed: December 19,2003
Attorney Docket No. S884.12-0002

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

This is a decision on the electronic petition, filed March 18,2010 ,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 18,2010 . 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 7002818
Issue Date: February 21,2006
Application No. 10740786
Filed: December 19,2003
Attorney Docket No. S884.12-0001

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

This is a decision on the electronic petition, filed March 18,2010 ,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 18,2010 . 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
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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)
7002818	2006-02-21	10740786	2003-12-19	S884.12-0001

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	/Michael A. Collins/	Date (YYYY-MM-DD)	2010-03-18
Name	Michael A. Collins	Registration Number	59135

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 18, 2006

TO SPE OF : ART UNIT 3743

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/740797 patent No.: 7,048,498

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: _____

Ed Tolan — SPE

3745 — Art Unit

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OFFICE OF PETITIONS

In re Application of :
Daniele Delledonne et al. : DECISION ON PETITION
Application No. 10/740,800 : UNDER 37 CFR 1.78(a)(3)
Filed: December 22, 2003 :
Attorney Docket No. 246964US0 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

The instant pending application was filed on December 22, 2003 and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (703)305-4497.

This matter is being referred to Technology Center Art Unit 1711 for appropriate action on the amendment filed July 20, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

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OFFICE OF PETITIONS

In re Application of
Daniele Delledonne, Franco Rivetti, Boden Eugene, Ganesh Kailasam, Larry Lewis and Ignacio Fernandez
Application No. 10/740,800
Filed: December 22, 2003
Attorney Docket No. 246964US0
Title of Invention: METHOD FOR PREPARING A DIALKYL CARBONATE, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 20, 2004.

The petition is GRANTED.

Petitioner has shown that non-signing inventors Boden, Kailasam, Lewis and Fernandez have refused to join in the filing of the above-identified application. The petition attest a copy of the application was sent to the non-signing inventors' legal representative. The failure to respond to the application sufficiently establishes that the non-signing inventors refuse to execute 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.

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 (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Daniele Delledonne, Franco Rivetti, Eugene Boden, Ganesh Kailasam, Larry Lewis, Alberto Nisoli, John Ofori, Angel Gonzalez and Ignacio Fernandez
Application No. 10/740,801
Filed: December 22, 2003
Attorney Docket No. 246968US0
Title of Invention: METHOD FOR PREPARING A DIALKYL CARBONATE, AND ITS USE IN THE PREPARATION OF DIARYL CARBONATES AND POLYCARBONATES

: DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 20, 2004.

The petition is GRANTED.

Petitioner has shown that non-signing inventors Boden, Kailasam, Lewis, Nisoli, Ofori, Gonzalez and Fernandez have refused to join in the filing of the above-identified application. The petition attest a copy of the application was sent to the non-signing inventors' legal representative. The failure to respond to the application sufficiently establishes that the non-signing inventors refuse to execute 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.

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 (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Delledonne et al. :
Application No. 10/740,801 :
Filed: December 22, 2003 :
Attorney Docket No. 246968US0 :

GRANT OF PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim for the benefit of 09/682,286, the prior-filed application set forth in the concurrently filed amendment.

The petition is **granted**.

When an application is filed on or after November 29, 2000, benefit claims under 35 U.S.C. 119(e), 120, 121 and 365(c) must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. For the instant application, the above period of time ended on April 23, 2004. The priority claim at issue was not made by this date. However, petitioner has submitted a petition under 37 CFR 1.78(a)(3).

37 CFR 1.78(a)(3) states,

If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

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

Petitioner has satisfied the above requirements for relief under 37 CFR 1.78(a)(3).

The granting of this petition is not a determination that petitioner is actually entitled to the benefit of the filing date of the prior-filed application, but is only a determination that the Office will allow petitioner to file an untimely claim for priority. The examiner will, in due course, consider any priority claims and determine the extent to which the application is entitled to an earlier filing date.

A corrected Filing Receipt, which includes the priority claim, accompanies this decision on petition.

Technology Center Art Unit 1626 will be informed of the instant decision and will take appropriate action in response to the amendment filed on July 20, 2004. **The examiner will consider the priority claims and determine the extent to which the application is entitled to an earlier filing date based on the prior-filed application.**

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Frances Hicks
Petitions Examiner
Office of Petitions

Attached: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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Celera Genomics Corp.
Attn: Wayne Montgomery, Vice President, Intellectual Property
45 West Gude Drive
C2-4#20
Rockville, MD 20850

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OFFICE OF PETITIONS

In re Application of	:	DECISION ACCORDING
Yan et al.	:	STATUS UNDER
Application No. 10/740,835	:	37 CFR 1.47(a)
Filed: December 22, 2003	:	
Attorney Docket No. CL001316-CIP	:	

This is in response to the petition under 37 CFR 1.47(a), filed Monday, June 7, 2004.

The petition is granted.

Applicants have shown that Fangcheng Gong, the non-signing inventor, cannot be reached or located in order to obtain his signature on the declaration. Specifically, the statement of facts of Justin D. Karjala sets forth applicants' diligent effort to locate inventor Gong, but to no avail.

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. Additionally, notice of the filing of this application will be published in the Official Gazette.

The application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

APR 27 2005 PATENT & TRADEMARK OFFICE

DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

FAIRLIE et al.

Group Art Unit: 1745

Appln. No. 10/740,853

Examiner: Unknown

Filed: December 22, 2003

Title: Energy Distribution Network

* * * * *

April 27, 2005

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c) AND MPEP § 708.02, VI

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

Sir:

Applicant hereby petitions to make the above-identified application special under the procedures set forth in sub-section VI of MPEP 708.02, as materially contributing to the discovery or development of energy resources.

No petition fee is required.

An embodiment of the invention relates to a hydrogen fueling station including a hydrogen generator for generating hydrogen from an energy source; a hydrogen storage apparatus for receiving the hydrogen from the hydrogen generator; a hydrogen delivery system for delivering the hydrogen to a user; and a controller operably connected to the hydrogen delivery system for controlling the delivery of hydrogen to a user.

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700 MAY 10 2005

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OFFICE OF PETITIONS

In re Application of :
Daniele Delledonne et al :
Application No. 10/740,854 : DECISION ON PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 246966US0

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

The instant pending application was filed on December 22, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after

expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional applications was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

This matter is being forwarded to Technology Center Art Unit 1711 for appropriate action on the amendment filed July 20, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Frances Hicks
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 :
Delledonne, Rivetti, Boden, and Fernandez :
Application No.: 10/740,854 : DECISION ACCORDING
Filed: December 22, 2003 : RULE 47(a) STATUS
Attorney Docket No: 246966US0 :
For: Method for Preparing a Dialkyl Carbonate, and its Use in the Preparation of Diaryl Carbonates and Polycarbonates

This is in response to the petition under 37 CFR 1.47(a), filed October 20, 2004.

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.

The above-cited application was filed on December 22, 2003, and was not accompanied by an executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on March 31, 2004, indicating that the declaration was missing and allowing a two month period in which the executed declaration could be filed, along with a surcharge for the late filing of the same. On October 20, 2004, the instant petition was filed along with a request for an extension of time within the fifth month.

Petitioner has shown that inventors Boden and Fernandez have constructively refused to execute the declaration and join 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.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALCATEL LUCENT
INTELLECTUAL PROPERTY & STANDARDS
3400 W. PLANO PARKWAY, MS LEGL2
PLANO TX 75075

COPY MAILED

AUG 18 2009

OFFICE OF PETITIONS

In re Application of :
Mihai Lungu :
Application No. 10/740,860 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 132779 (A8543) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 11, 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 12, 2008. A Notice of Abandonment was mailed September 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 an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This application is being referred to Technology Center AU 3661 for appropriate action by the Examiner in the normal course of business on the reply received.

Ioan Olszewski
Petitions Examiner
Office of Petitions

cc: Brian W. Hannon
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W. , Suite 800
Washington, DC 20037

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MAILED

JUL 20 2007

TECHNOLOGY CENTER 2100

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

In re Application of: Steven Craig GREER
Application No.: 10/740,863
Filed: December 19, 2003
Attorney Docket No.: 873.0126.U1(US)
For: CODEC-ASSISTED CAPACITY ENHANCEMENT OF WIRELESS VOIP

DECISION ON PETITION *UNDER 37 CFR §1.181*

This is a decision on the petition filed July 2, 2007 under 37 CFR § 1.181. No fee is required.

A review of the file record indicates that a Request for Continued Examination (RCE) under 37 CFR § 1.114 was filed in the instant application on July 2, 2007 along with an amendment and arguments. In accordance with 37 CFR § 1.114 (d), which states in part: ***If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.*** The RCE request was processed by the Technology support staff on July 10, 2007. The accounting receipt date for the fee for filing of the RCE is July 3, 2007 ($790.00).

Accordingly, in view of the above stated reason, the instant petition, filed under 37 CFR §1.181 to withdraw the finality of the June 13, 2007 and to withdraw the restriction requirement of May 4, 2007 in this application, is rendered moot.

Accordingly, the petition under 37 CFR § 1.181 is **DISMISSED as MOOT**.

Petitioner's attention is directed to 37 CFR § 1.26 regarding refund of fees paid, which states in part: "***The Director may refund any fee paid by mistake or in excess of that required.***"
Since the processing fee for filing of the RCE is not a fee paid by mistake or in excess of that required, accordingly, the request to refund of the filing fee for filing the RCE is **DENIED**.

The application is being forwarded to the Examiner for action on the merits. Telephone inquiries should be directed to Brian Johnson at 571-272-3595.

Jack Harvey
Director
Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Paper No. 20050525

Applicant : O'Meara, Daniel J.
Appl No.: 10/740,867
Filed: December 19, 2003

DECISION GRANTING PETITION UNDER *37 CFR 1.84*

This decision is in response to the petition filed December 19, 2003 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition states that color drawings are necessary in order to completely and accurately represent the invention.

The petition complies with 37 C.F.R. 1.84(a)(2) in that it was accompanied by (1) the appropriate fee and (2) three sets of color drawings. The specification further includes the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on December 19, 2003 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2) and the petition is GRANTED.

Marc Hoff
Supervisory Patent Examiner, Art Unit 2857
Technology Center 2800

Martin G. Ozinga
Phillips McFall McCaffrey McVay & Murrah, P.C.
One Leadership Square, 12th Floor
211 N. Robinson Ave.
Oklahoma City OK 73102

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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
10/740,875	12/19/2003	1724	770	107121	4	20	2

CONFIRMATION NO. 3073

CORRECTED FILING RECEIPT

OC000000012474449

23490
JOHN G TOLOMEI, PATENT DEPARTMENT
UOP LLC
25 EAST ALGONQUIN ROAD
P O BOX 5017
DES PLAINES, IL 60017-5017

Date Mailed: 04/28/2004

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)

Gavin P. Towler, Barrington, IL;
Stephen R. Dunne, Algonquin, IL;
Robert T. Sprague, Crystal Lake, IL;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Adsorption separation system

Preliminary Class

210

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/28/2006

TO SPE OF : ART UNIT 2800 (2827)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,922,352

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-922
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.

Ok to enter inventorship change as requested in c of c?

Ernest C. White, LIE305-8339
Certificates of Correction Branch

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:

_____

_____

_____

_____

_____

TEC 2800

_____ 2827

SPE **Art Unit**

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/740893	12/22/03	Lee	46081

1609
Royalance, Abrams, Berdo & Goodman, LLP
1300 19th St. NW
Suite 600
Washington, DC 20036

DATE MAILED: October 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on December 22, 2003 requesting for a refund any previously paid search fee and excess claims fee in the above-identified application, and the petition under 37 CFR 1.138(c) filed on April 16, 2007, for express abandonment to avoid publication of the above-identified application.

The petitions are granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded. The application has been withdrawn from publication. A notice of abandonment will be mailed in due course.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

571-272-4200

Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,893	12/22/2003	Sang-Hyuk Lee	46081	3198

1609 7590 09/13/2007

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

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

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

Notice of Abandonment	Application No.	Applicant(s)	
	10/740,893	LEE ET AL.	
	Examiner	Art Unit	
	Nguyen, Tu X	2618	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Barbara J Debnam

Barbara J Debnam
Management & Program
Analyst Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

OIPE 1AP44
AUG 27 2007
PATENT & TRADEMARK OFFICE

FN 30

PTO/SB/24B (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/740,893
Filing Date	December 22, 2003
First Named Inventor	Sang-Hyuk Lee et al.
Art Unit	2618
Examiner Name	Tu X. Nguyen
Attorney Docket Number	46081

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

☑ The Director is hereby authorized to credit the fee(s) to Deposit Account No. 18-2220.

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

I am the:

☐ applicant.

☐ 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)

☑ attorney or agent of record. Attorney or agent registration number is 29,392.

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application.
Attorney or agent registration number is _____.

John E. Holmes	August 27, 2007
Signature	Date
John E. Holmes	(202) 659-9076
Typed or printed name	Telephone Number

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 1 forms are submitted.

Adjustment date: 09/12/2007 EHAILE1
12/29/2003 00000033 10740893
02 FC:1201 -172.00 DP
03 FC:1202 -468.00 DP
Repln. Ref: 09/12/2007 KKING1
DA#:182220 Name/Number:10740893
FC: 9204 $640.00 CR 00154029

This collection of information is required by 37 CFR 1.138(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 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: Mail Stop Express Abandonment, 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.

Day : Monday
Date: 9/10/2007

PALM INTRANET

Time: 09:54:46

Application Number Information

Application Number: **10/740893**
Assignments
Examiner Number: **79057 / NGUYEN, TU**
Filing or 371(c) Date: **12/22/2003** eDan
Group Art Unit: **2618**
IFW Madras
Effective Date: **12/22/2003**
Class/Subclass: **455/003.060**
Application Received: **12/22/2003**
Waiting for Response Desc.
Pat. Num./Pub. Num: **/20050075098**
Lost Case: **NO**
Interference Number:
Prior Art Filed
Issue Date: **00/00/0000**
Unmatched Petition: **NO**
Prior Art Filed
Date of Abandonment: **00/00/0000**
L&R Code: Secrecy Code:**1**
Attorney Docket Number: **46081**
Third Level Review: **NO**
Secrecy Order: **NO**
Status: **30 /DOCKETED NEW CASE - READY FOR EXAMINATION**
Status Date: **09/07/2005**
Confirmation Number: **3198**
Oral Hearing: **NO**
Title of Invention: **APPARATUS AND METHOD FOR TRANSMITTING AN AUDIO SIGNAL IN A MOBILE COMMUNICATION TERMINAL SERVING AS A DIGITAL MULTIMEDIA BROADCAST RECEIVER**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data

Search Another: Application # [ ] Search **or Patent#** [ ] Search

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Attorney Docket # [ ] Search

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PALM INTRANET

Pre-Grant Publication Information

Application Number : **10/740893** Confirmation Number : **3198**

Non Pub. Req.: N **Non Pub. Rescind Req.**: N **Early Pub. Req.**: N

Filing Type	Status Description	Projected Pub. Date	Bio Ind	Pub. Status	Actual Pub. Date	Publication Number	Exported?
NEW	CPUB	04/07/2005	N	PUBLISHED	04/07/2005	US20050075098A1	Y

US CLASSIFICATION

Classification No.	Sub-class No.	Primary Class
455	414100	Y
455	412100	

IPC CLASSIFICATION

IPC Classification No.	Primary Class
H 04Q 7/20	Y

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Attorney Docket # [ ] Search
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

COPY MAILED

JAN 06 2010

In re Application of
Saul Lewites
Application No. 10/740,908
Filed: December 18, 2003
Attorney Docket No. 10559-901001 / INTEL REF.

ON PETITION

This is a decision on the petition, filed January 5, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 24, 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 2194 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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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

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Vincent Pomero	: DECISION ON REQUEST FOR
Patent Number	: 7639866	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/740,915	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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DIW Mar-07

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

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MAR 30 2007

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7163637 :
Issued: 01/16/2007 :
Application No. 10/740917 :
Filed: 12/22/2003 :
Atty Docket No. 2958-123 :

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 9 January, 2007.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

DATE 12/26/07

APPLICATION NUMBER 10/740928

COPY MAILED

DOC CODE PET. DEC. PUBS

DOC DATE DEC 27 2007

OFFICE OF PETITIONS

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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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LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD, CT 06902

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DEC 27 2007

OFFICE OF PETITIONS

In re Application of
Alan Ball
Application No. 10/740,928
Filed: December 18, 2003
Attorney Docket No. 883.0063USU

ON PETITION

This is a decision on the petition, filed September 6, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected formal drawings on or before April 12, 2007, as required by the Notice of Allowability mailed January 12, 2007. A Notice of Abandonment was mailed on August 28, 2007. In response, on September 6, 2007, 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 $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to oversee the review of the drawing filed September 6, 2007 and for processing into a patent.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Status inquires related to processing at Publishing Division should be directed to (571) 272-4200.

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
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Ho-Sang Sung et al. :
Application No. 10/740,937 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 1998.1003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the non-final Office action, mailed April 30, 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 July 31, 2008.

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

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states:

> (b) 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 patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Jung-Hyuk Shin) was ever given a power of attorney to act on behalf of inventors Ho-Sang Sung, Dae-Hwan Hwang, Dae-Hee Youn, Hong-Goo Kang, Young-Cheol Park, Ki-Seung Lee, Sung-Kyo Jung, and Kyung-Tae Kim, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. However, a courtesy copy of this decision can not be mailed to the address noted on the petition because it is not clear. Therefore, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Since the above-identified application is a utility or plant application filed after June 8, 1995, 37 CFR 1.137(d) a terminal disclaimer is not required. Therefore, the terminal disclaimer will not be entered and the fee will be credited to petitioner's deposit account as authorized.

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

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

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

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

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

Ramesh Krishnamurthy
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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AUG 0 3 2009

OFFICE OF PETITIONS

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Ho-Sang Sung et al.	:	
Application No. 10/740,937	:	DECISION ON PETITION
Filed: December 18, 2003	:	
Attorney Docket No. 1998.1003	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 30, 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 July 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, 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 2416 for appropriate action by the Examiner in the normal course of business on the reply received March 18, 2009.

Ramesh Krishnamurthy
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

FOGG & POWERS LLC
5810 W 78TH STREET
SUITE 100
MINNEAPOLIS, MN 55439

Mail Date: 04/27/2010

Applicant	: Philip M. Wala	: DECISION ON REQUEST FOR
Patent Number	: 7639982	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/740,944	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **888** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Paper No. None

FAX RECEIVED
CANCELLED
FEB 08 2005

OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

In re Application of :
Mark L Nelson, Kwasi Ohemeng, Roger Frechette, Paul Abato, Victor Amoo, Upul Bandarage, Joel Berniac, Beena Bhatia, Jackson Chen, Mohamed Y. Ismail, Oak Kim, Laura Honeyman, Rachid Mechiche, Andre Pearson, Laxma Reddy Nagavelli, Paul Sheahan, Atul K. Verma, Peter Viski, and Tadeusz Warchol :
Application No. 10/740,961 :
Filed: December 18, 2003 :
Attorney Docket No. PAZ-181CPCN :
Title: SUBSTITUTED TETRACYCLINE COMPOUNDS :

DECISION ON PETITION
UNDER 37 C.F.R. §1.47(a)

COPY MAILED
FEB 08 2005
OFFICE OF PETITIONS

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed November 1, 2004.

On December 18, 2003, the application was deposited, identifying Mark L Nelson, Kwasi Ohemeng, Roger Frechette, Paul Abato, Victor Amoo, Upul Bandarage, Joel Berniac, Beena Bhatia, Jackson Chen, Mohamed Y. Ismail, Oak Kim, Laura Honeyman, Rachid Mechiche, Andre Pearson, Laxma Reddy Nagavelli, Paul Sheahan, Atul K. Verma, Peter Viski, and Tadeusz Warchol as joint inventors. On March 31, 2004, a "Notice to File Missing Parts of

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.

Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and a surcharge of $130.00 was required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has also submitted the petition fee, the surcharge associated with the late submission of an oath or declaration, a declaration which has been each of the joint inventor save inventor Sheahan, a statement of facts, the last-known address of the non-signing inventor, and a five-month extension of time to make timely this response[2].

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 1600 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

2 Otober 31, 2004 fell on a Sunday.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul Sheahan
11245 Affinity Court
Unit 84
San Diego, CA 92131

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FEB 08 2005

OFFICE OF PETITIONS

FAX RECEIVED
FEB 08 2005

CANCELLED

OFFICE OF PETITIONS

In re Application of

Mark L Nelson, Kwasi Ohemeng, Roger Frechette, Paul Abato, Victor Amoo, Upul Bandarage, Joel Berniac, Beena Bhatia, Jackson Chen, Mohamed Y. Ismail, Oak Kim, Laura Honeyman, Rachid Mechiche, Andre Pearson, Laxma Reddy Nagavelli, Paul Sheahan, Atul K. Verma, Peter Viski, and Tadeusz Warchol
Application No. 10/740,961

Filed: December 18, 2003
Attorney Docket No. PAZ-181CPCN
Title: SUBSTITUTED TETRACYCLINE COMPOUNDS

LETTER

Dear Mr. Sheahan:

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).

cc: LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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JUN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Michael J. ENGLE et al. :
Application No. 10/740,973 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. **012002-12** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 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 Restriction Requirement, mailed April 10, 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 May 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 election, (2) the petition fee of $540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the restriction requirement of September 09, 2004 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. 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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 1793 for appropriate action on the concurrently filed election.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10740973 Total Records Found: 4

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
02/19/2008	00004445	4	1453	$1,540.00	02/15/2008	DA 031620
06/15/2004	00000096	1	8021	$40.00	06/10/2004	DA 210175
05/12/2004	00000097	1	1051	$130.00	05/10/2004	DA 210175
12/29/2003	00000104	1	1001	$770.00	12/19/2003	DA 210175

PTO/SB/64 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional): 012002-12

First named inventor: Michael J. Engle

Application No.: 10/740,973 Art Unit: 1754

Filed: 12/19/2003 Examiner: Bos, Steven J.

Title: CARBONACEOUS REDUCTANT FOR USE IN THE FLUIDIZED BED CHLORINATION OF TITANIUM-CONTAINING SOLIDS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Election (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

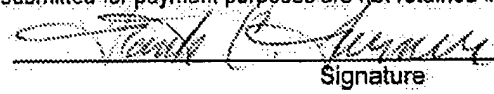
☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ 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 — 2/15/08 — Date

Frank C. Turner — Typed or printed name — 39,863 — Registration Number, if applicable

6001 Bollinger Canyon Rd., P.O. Box 6006 — Address — 925-842-0991 — Telephone Number

San Ramon, CA 94583 — 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Michael J. Engle et al. :
Application No. 10/740,973 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 43314.2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 20, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2008.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: David W. Clark
Oxbow Midwest Calcining, LLC
1601 Forum Place, Suite 1400
West Palm Beach, FL 33401

UNITED STATES PATENT AND TRADEMARK OFFICE

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

July 2, 2008

In re Application of :
KOLANKO, CHRISTOPHER J. et al. :
Serial No.: 10/740979 :
Filed: December 19, 2003 :
For: METHOD FOR DIAGNOSING A :
DISEASE STATE USING :
OCULAR CHARACTERISTICS :

DECISION ON PETITION
UNDER 37 CFR 1.84

The request filed on November 26, 2007, for acceptance of color photographs is treated as a Petition under 37 CFR 1.84.

The Petition is GRANTED as applicant has satisfied paragraph (a)(2) of 37 CFR 1.84 as required.

This application is being forwarded to the examiner for appropriate action consistent with this decision.

Ricky Mack
SPE, Art Unit 2873

Michael T. Smith, Esq.
Steptoe & Johnson, PLLC
P.O. Box 2190
Clarksburg WV 26302-2190

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

COPY MAILED

OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Kolanko et al.	:	
Application No. 10/740,979	:	ON PETITION
Filed: December 19, 2003	:	
Attorney Docket No. 025005-0102PTUS	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 16, 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 a Response to Notice of Non-Compliant Amendment and Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2873 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/14/2008

TO SPE OF : ART UNIT 3700 (3732)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,374,420

Attn: Cris Rodriquez

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

Please complete this form and forward within 7 days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

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.

***Ok to enter change to 2nd inventors name (Adding "Jr.") as requested in COCIN?.**

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

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: The inventorship of the application is not being change, but rather a correction in the spelling of an inventor's name. MPEP 605.04(c) allows for spelling corrections of an inventor's name in a patent by certificate of correction. /rlewis/

SPE /Cris L. Rodriguez/ Art Unit 3732

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

Paper No.

PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

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NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Foucher et al.	:	
Application No. 10/740,984	:	DECISION GRANTIONG
Filed: December 19, 2003	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
886-011613-US (PAR)	:	

This is in response to a Petition Under 37 CFR 1.47, filed October 1, 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)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 19, 2003, without, an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on March 30, 2004, requiring *inter alia*, a properly signed oath or declaration.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that the nonsigning inventors refuse to join in the application after having been presented with a copy of the application.

A review of the Declaration filed with the instant petition on October 1, 2004, reveals that the Declaration does not contain the citizenship of the nonsigning inventors.

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 (2) set forth above.

As to item (2), Applicant has not presented an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 37 CFR 1.64. The oath or declaration must identify the citizenship of the inventors. A properly executed oath or declaration is required[1].

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 matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

[1] A supplemental oath or declaration under 37 CFR 1.67 may be submitted to correct the citizenship.

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Paper No.

PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Foucher et al.	:	
Application No. 10/740,984	:	DECISION GRANTING
Filed: December 19, 2003	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
886-011613-US (PAR)	:	

This is in response to a Request for Reconsideration of Petition Under 37 CFR 1.47, filed December 20, 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(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventors, Jean-Philippe Boris, Olivier Gambari, Benôit Pigeon, and Nannè Prauda, refuse to join in the application.

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

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael Blanc
84, rue Phillipe de Girard
75018 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Foucher et al.	:	
Application No. 10/740,984	:	LETTER
Filed: December 19, 2003	:	
Attorney Docket No.	:	
886-011613-US (PAR)	:	

Dear Jean-Philippe Boris:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jean-Philippe Boris
26, rue Rodier
75009 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Foucher et al.	:	
Application No. 10/740,984	:	LETTER
Filed: December 19, 2003	:	
Attorney Docket No.	:	
886-011613-US (PAR)	:	

Dear Jean-Philippe Boris:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Olivier Gambari
7, rue de l'Abbè Carton
75014 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Foucher et al.	:	
Application No. 10/740,984	:	LETTER
Filed: December 19, 2003	:	
Attorney Docket No.	:	
886-011613-US (PAR)	:	

Dear Olivier Gambari:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Benôit Pigeon
32 bis, rue des Lyonnais
75005 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of :
Foucher et al. :
Application No. 10/740,984 : LETTER
Filed: December 19, 2003 :
Attorney Docket No. :
886-011613-US (PAR) :

Dear Benôit Pigeon:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nannè Prauda
19, boulevard Flandrin
75016 Paris
FRANCE

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of :
Foucher et al. :
Application No. 10/740,984 : LETTER
Filed: December 19, 2003 :
Attorney Docket No. :
886-011613-US (PAR) :

Dear Nannè Prauda:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney/Advisor
Office of Petitions

cc: PERMAN & GREEN, LLP
425 POST ROAD
FAIRFIELD, CT 06824

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Michael V. North
North Weber & Baugh LLP
2479 E. Bayshore Rd., Suite 707
Palo Alto, CA 94303

Dear Applicant:

The Box PGPub replacement drawings for application number 10/740994 received on 01/15/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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NORTH WEBER & BAUGH
2479 E. BAYSHORE ROAD
SUITE 707
PALO ALTO, CA 94303

COPY MAILED
JUN 07 2006
OFFICE OF PETITIONS

In re Application of	:	
Jing Yee Lim et al	:	
Application No. 10/740,994	:	DECISION ON PETITION
Filed: December 19, 2003	:	TO WITHDRAW
Attorney Docket No. 20007-0008	:	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, 2005.[1]

The request is **NOT APPROVED**.

A review of the file record indicates that Michael North and the attorneys/agents associated with customer No. 38062: (1) do not have power of attorney in this patent applications; (2) have been employed or otherwise engaged in the proceedings in this patent application. However, the request cannot 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 request must include reaons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioners' reasons.

A power of attorney submitted on February 14, 2005 and resubmitted on March 20, 2006 was improper. In this regard, the Revocation and Power of Attorney was signed by Michelle Lee, a Senior Patent Counsel, which is not clearly set forth that she is an officer of the assignee and has omitted her empowerment to sign on behalf of the assignee.

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

---

[1] The instant Request to Withdraw as attorney or agent was only recent brought to the attention of the deciding official. The Office sincerely apologizes for the delay in responding to the instant petition and the inconvenience caused petitioner by this delay.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

This application is being referred to Technology Center AU 2178 to await a reply to the non-final Office action mailed March 23, 2006.

Amelia Au
Petitions Examiner
Office of Petitions

cc: MORGAN LEWIS & BOCKIUS
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS
& ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

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APR 0 5 2004

OFFICE OF PETITIONS

In re Application of
Ishiguchi
Application No. 10/741,006
Filed: December 20, 2003
Attorney Docket No. 542-007.14
For: TRANSMISSION TYPE DISPLAY DEVICE AND A METHOD FOR CONTROLLING ITS DISPLAY COLORS

: DECISION GRANTING
: PETITION

This is a decision on the petition filed January 5, 2004 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 19, 2003, rather than the presently accorded filing date of December 20, 2003.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on December 19, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a statement by USPS Acceptance Clerk, Georgetta Marian. Ms. Marian states a package associated with label no. EV203713573US was deposited with the USPS on December 19, 2003 and that Ms. Marian filled in an incorrect date, December 20, 2003, in the date-in field. The same Express Mail label number is found on the original transmittal letter.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed January 5, 2004 is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted. No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **December 19, 2003** and the mailing of a corrected filing receipt.

Thereafter, the application will be forwarded to Technology Center Art Unit 2673 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KONRAD RAYNES & VICTOR, LLP.
ATTN: INT77
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS CA 90212

MAILED

JUL 21 2009

OFFICE OF PETITIONS

In re Application of :
Connor :
Application No. 10/741,030 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. P17735 :

This is a decision on the petition, filed June 26, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 30, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 31, 2008.

Petitioner asserts that the Notice dated January 31, 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's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the May 27, 2008 Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2444 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of January 31, 2008. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notice of Allowance and Fee(s) Due is re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Telephone inquiries pertaining 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

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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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MAY 24 2010

OFFICE OF PETITIONS

KONRAD RAYNES & VICTOR, LLP.
ATTN: INT77
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS CA 90212

In re Application of	:	
Patrick L. Connor	:	
Application No. 10/741,030	:	DECISION GRANTING PETITION
Filed: December 19, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P17735	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2444 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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MAY 1 2 2004

Director's Office
Group 3700

Aaron Goldsmith
24806 Alexandra ct.
Calabasas, CA 91302

In re application of
Aaron Goldsmith

Serial Number: 10/741062
Filed: December 19, 2003

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

For: **EXPANSION VALVE METERED CONTROL OF WATER MISTERS**

This is a decision on the petition filed on December 19, 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: 5/11/04

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KENNETH P. ROBINSON
P O Box 328
Greenlawn NY 11740-0328

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OFFICE OF PETITIONS

In re Patent No. 6,934,663 :
Issue Date: August 23, 2005 :
Application No. 10/741,075 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 7002/92244D :

This is a decision on the petition under 37 CFR 1.378(c), filed November 4, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired at midnight August 23, 2009, for failure to pay the 3½ 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 JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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MITCHELL A. STEIN, ESQ.
STEIN LAW, P.C.
SUITE 4
24 WOODBINE AVENUE
NORTHPORT, NY 11768

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FEB 26 2008

In re Application of :
SPECTOR, Donald :
Application No. 10/741,076 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. **ATI0122-00US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 16, 2004.

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

A review of the file record indicates that the power of attorney to STEIN LAW, P.C. has been revoked by the applicant of the patent application on February 01, 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.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DIEHL SERVILLA LLC**
77 BRANT AVE
SUITE 210
CLARK NJ 07066

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Alexandria, VA 22313-145

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OFFICE OF THE DIRECTOR
TC 3600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

In re application of
Pierre M. Omidyar :
Application No. 10/741,091 : **DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY**
Filed: December 19, 2003 :
For: METHOD AND SYSTEM TO FACILITATE A PAYMENT IN SATISFACTION OF ACCUMULATED MICROPAYMENT COMMITMENTS TO A VENDOR :

This is a decision on the request filed on November 22, 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 in the above-identified application is not approved because the request does not comply with Item B).

As to Item B), the reason "Discontinuation of the attorney/client relationship" is not appropriate since it is not clear that the client initiated the discontinuation, or that the client knowingly or freely assents to the transfer to new counsel. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 01/14/05

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FEB 23 2005

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FEB 23 2005

OFFICE OF THE DIRECTOR
TC 3600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

In re application of
Petra Hofer et al
Application No. 10/741,092
Filed: December 19, 2003
For: METHOD AND APPARATUS FOR REACHING SMALL MARKETS WITH A CULTURE SPECIFIC ON-LINE COMMERCE SERVICE

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on November 22, 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:

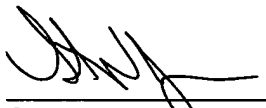
A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

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 in the above-identified application is not approved because the request does not comply with item B).

As to Item B), the reason "Discontinuation of the attorney/client relationship" is not appropriate since it is not clear that the client initiated the discontinuation, or that the client knowingly or freely assents to the transfer to new counsel. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 02/09/05

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TECHNOLOGY CENTER 3600

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

In re Application of	:	DECISION ON PETITION
MICHAEL BATTEN ETAL.	:	TO WITHDRAW
SERIAL NO.: 10/741,104	:	HOLDING OF
FILED: DECEMBER 19, 2003	:	ABANDONMENT
FOR: RADAR DETECTOR		

This is a reply to papers filed August 15, 2005, which are being treated as a petition to withdraw the holding of abandonment.

A review of the file reveals that a non-final rejection was mailed on July 13, 2004. Applicant responded timely on October 15, 2004 with an amendment, which fully addressed the examiner's action, but additionally included a new abstract, which was not needed as part of the response. The sheet that contained the abstract had, at the top of the page, part of an amendment to the specification, followed by instructions to " Please replace the abstract with the following paragraph". Examiner responded by mailing on December 23, 2004 a notice identifying applicant's response as incomplete/ non-responsive and giving the reason:

"New abstract must be on a 'separate sheet' per 37 CFR 1.72."

Applicant responded on January 19, 2005 by filing a single sheet having the abstract but also still containing the instructions " Please replace the abstract with the following paragraph" at the top. Subsequently, the examiner held the application abandoned on April 19, 2005 for failure to provide the abstract on a "separate sheet" without the instructions at the top.

Petitioner argues that he complied with 35 CFR 1.121 when responding to examiner's notice. While that is true, it is not determinative. The examiner's notice of December 23, 2004 identifying the applicant's response as incomplete/non-responsive, however, was not proper because is was not consistent with the language of MPEP 710.01

"When a bona fide attempt to reply includes an inadvertent omission that precludes action on the merits of the application..."

In this case, the improper abstract did not "preclude action" on the merits, since the examiner could have easily objected to the abstract in the next office action and there was no previous requirement for a change to the abstract. Moreover, applicant's original amendment, which was filed October 15, 2004, and contained the new abstract was fully responsive to the July 13, 2004 non-final office action. Therefore the December 23, 2004 office action of the examiner is hereby vacated, and the holding of abandonment is withdrawn.

The application is being forwarded to the Supervisory Legal Instruments Examiner to enter the amendment filed January 13, 2005, return the application to pending status, then forward to the examiner for prompt consideration of the amendment filed January 13, 2005.

The petition is GRANTED.

Donald T. Hajec
Director, T.C. 3600
571-272-6979

tht/kjd: 4-21-06

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APR 2 8 2006

TECHNOLOGY CENTER 3600

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

In re Application of
MICHAEL BATTEN ETAL.
SERIAL NO.: 10/741,104
FILED: DECEMBER 19, 2003
FOR: RADAR DETECTOR

: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT

This is a reply to papers filed August 15, 2005, which are being treated as a petition to withdraw the holding of abandonment.

A review of the file reveals that a non-final rejection was mailed on July 13, 2004. Applicant responded timely on October 15, 2004 with an amendment, which fully addressed the examiner's action, but additionally included a new abstract, which was not needed as part of the response. The sheet that contained the abstract had, at the top of the page, part of an amendment to the specification, followed by instructions to " Please replace the abstract with the following paragraph". Examiner responded by mailing on December 23, 2004 a notice identifying applicant's response as incomplete/ non-responsive and giving the reason:

"New abstract must be on a 'separate sheet' per 37 CFR 1.72."

Applicant responded on January 19, 2005 by filing a single sheet having the abstract but also still containing the instructions " Please replace the abstract with the following paragraph" at the top. Subsequently, the examiner held the application abandoned on April 19, 2005 for failure to provide the abstract on a "separate sheet" without the instructions at the top.

Petitioner argues that he complied with 35 CFR 1.121 when responding to examiner's notice. While that is true, it is not determinative. The examiner's notice of December 23, 2004 identifying the applicant's response as incomplete/non-responsive, however, was not proper because is was not consistent with the language of MPEP 710.01

"When a bona fide attempt to reply includes an inadvertent omission that precludes action on the merits of the application..."

In this case, the improper abstract did not "preclude action" on the merits, since the examiner could have easily objected to the abstract in the next office action and there was no previous requirement for a change to the abstract. Moreover, applicant's original amendment, which was filed October 15, 2004, and contained the new abstract was fully responsive to the July 13, 2004 non-final office action. Therefore the December 23, 2004 office action of the examiner is hereby vacated, and the holding of abandonment is withdrawn.

The application is being forwarded to the Supervisory Legal Instruments Examiner to enter the amendment filed January 13, 2005, return the application to pending status, then forward to the examiner for prompt consideration of the amendment filed January 13, 2005.

The petition is GRANTED.

Donald T. Hajec
Director, T.C. 3600
571-272-6979

tht/kjd: 4-21-06

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Duane A. Coordes
Patent Department
DEERE & COMPANY
One John Deere Place
Moline, IL 61265-8098

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OFFICE OF PETITIONS

In re Application of :
Anderson :
Filed: December 19, 2003 : ON PETITION
Application No. 10/741,118 :
Atty. Dkt. No.: 16534-US :

This decision is in response to the "PETITION" filed November 4, 2004 in response to the Notice of Incomplete Nonprovisional Application ("Notice") mailed October 19, 2004 to accord the above-identified application a filing date of December 19, 2003.

The application was filed December 19, 2003. The Notice indicated, *inter alia*, that the application had not been accorded a filing date but the application appeared to have been submitted without a specification as prescribed by 35 USC 112.

In response, the present petition was filed wherein petitioner argues that the application as deposited included 9 pages of specification. Petitioner has included as proof of mailing and proof of receipt of the specification a return postcard date stamped by the Office on December 19, 2003. A copy of the specification purportedly filed with the application on December 19, 2003 was also supplied.

The original specification submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of December 19, 2003 is GRANTED.

Since the original drawing sheet cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 19, 2003.

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

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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WOOD, HERRON & EVANS
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jennifer L. Lauderman :
Application No. 10/741,126 :
Filed: December 19, 2003 :
Attorney Docket No. STAN/32 :

This is a decision on the petition, filed May 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 April 28, 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 3673 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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Technology Center 2100

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

In re Application of: Johnson, et al.
Application No. 10/741,128
Filed: December 19, 2003
For: SEQUENCE TAGGING SYSTEM AND METHOD FOR TRANSPORT OFFLOAD ENGINE DATA LISTS

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P.§708.02(II): INFRINGEMENT

This is a decision on the petition, filed February 17, 2006, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. 1.17(h) and a statement under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that: (A) there is an infringing device or product actually on the market or method in use; (B) 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) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed February 17, 2006 includes all of the requirements set forth above and, therefore, the petition is **GRANTED**.

The application is being forwarded to the examiner to be advanced out of turn for examination in accordance with the procedures set forth in M.P.E.P. §708.02 and 37 C.F.R. 1.102.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

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GROOVER & ASSOCIATES
BOX 802889
DALLAS, TX 75380-2889

MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Lawrence James Cauller, et al. :
Application No. 10/741,136 : DECISION ON PETITION
Filed: December 19, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. MTSP-11 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2008, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes the required doctor's statement from applicant Lawrence Cauller physician. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

/dab/
David Bucci
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,139	12/19/2003	Yiu Sing Ho	12553/96	4846

7590 12/31/2007

KENYON & KENYON
Suite 600
333 W. San Carlos Street
San Jose, CA 95110-2711

EXAMINER	
KERNS, KEVIN P	

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
12/31/2007	PAPER

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

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

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Mailed: 12-31-07

caf

In re application of	:	
Yiu Sing HO et al.	:	DECISION ON
Serial No. 10/741,139	:	PETITION
Filed: December 19, 2003	:	
For: SYSTEM AND METHOD FOR IMPROVING HARD DRIVE ACTUATOR LEAD ATTACHMENT	:	

This is a decision on the PETITION UNDER 37 CFR § 1.181 TO ENTER AMENDMENTS FILED ON NOVEMBER 20, 2006 filed August 6, 2007.

On July 19, 2006, a final office action was mailed to Applicants. Applicants responded to this final office action with an amendment after final which was filed on November 20, 2006. The examiner mailed an advisory action on December 22, 2006. In response to the advisory action applicant filed an appeal brief February 23, 2007 and a new appeal brief on May 29 2007. In response to the second appeal brief filed the examiner mailed a Notice of Non-Compliant Appeal Brief on July 6, 2007.

On August 6, 2007, the instant petition under 37 CFR 1.127 was timely filed to request the entry of the after final amendment of November 20, 2006.

Petitioners' position is that the amendment after final places the application in better form for appeal. Further, petitioner argues that MPEP §714.13 (III) requires the examiner to indicate the status of each claim of record and provide reasons for non-entry within the statutory period, but the examiner has failed to do that.

DECISION

The advisory action mailed December 22, 2006, erroneously failed to address the proposed amendment and instead only addressed the request for reconsideration. It is clear that the proposed amendment was not addressed because none of the boxes numbered 3-7 on the advisory action were checked. It is noted that there is no record of applicant attempting to clarify the record as to the status of the amendments upon receipt of the advisory action.

On February 23, 2007, an appeal brief was filed. In the appeal brief, the claim appendix appeared to indicate that the after final amendment filed November 20, 2006 was entered. The "STATUS OF AMENDMENTS" section of the brief referred to the claim appendix. A Notification of Non-Compliant Appeal Brief was mailed April 27, 2007. One of the reasons listed on the notification is that the brief does not contain a statement of the status of each amendment. A substitute appeal brief was filed May 29, 2007. In the substitute appeal brief, the

claim appendix appeared to indicate that the after final amendment filed November 20, 2006 was entered. The "STATUS OF AMENDMENTS" section of the substitute brief again referred to the claim appendix. A second Notification of Non-Compliant Appeal Brief was mailed July 6, 2007. The notification indicated that the brief does not contain a correct copy of the appealed claims and the status of the amendment filed November 20, 2006 was not correctly identified.

The instant petition was then filed August 6, 2007 requesting entry of the November 20, 2006 amendment.

Section 714.13 of the MPEP states:

ENTRY NOT A MATTER OF RIGHT

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.
Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(c) is expected in all amendments after final rejection. Failure to properly reply under 37 CFR 1.113 to the final rejection results in abandonment.

An amendment filed at any time after final rejection, but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or (B) adopt examiner suggestions.

ACTION BY EXAMINER
See also MPEP § 706.07(f).
In the event that the proposed amendment does not place the case in better form for appeal, nor in condition for allowance, applicant should be promptly informed of this fact, whenever possible, within the statutory period. The refusal to enter the proposed amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Ordinarily, the specific deficiencies of the amendment need not be discussed. The reasons for non-entry should be concisely expressed. For example:

(A) The claims, if amended as proposed, would not avoid any of the rejections set forth in the last Office action, and thus the amendment would not place the case in condition for allowance or in better condition for appeal.
(B) The claims, if amended as proposed, would raise the issue of new matter.
(C) The claims as amended present new issues requiring further consideration or search.
(D) Since the amendment presents additional claims without canceling any finally rejected claims it is not considered as placing the application in better condition for appeal. *Ex parte Wirt*, 1905 C.D. 247, 117 O.G. 599 (Comm'r Pat. 1905).

First, it is submitted that there is a proper basis for refusing to enter the proposed amendment filed November 20, 2006. The proposed amendment attempts to cancel claims 10 and 17 and to make claim 18 dependent on claim 37. The combination of claims 18 and 37 (dependent on 30) results in a combination of limitations which was not previously claimed, therefore not previously examined. This does not simplify the issues for appeal. The fact that applicant was not clearly notified of the non-entry of the amendment within the statutory period does not necessitate entry of the amendment. Although MPEP §714.13 indicates that applicant should be informed, whenever possible, within the statutory period of amendments that do not place the case in better form for appeal or in condition for allowance, this is not a requirement. In fact, in cases where an amendment after final is filed close to the end of the statutory period, a lack of response by the examiner within the statutory period would not prevent abandonment of the application. Finally, note that applicants' failure to attempt to clarify the record with respect to entry of the amendment prior to the end of the statutory period contributed to the confusion with respect to non-entry of the amendment.

For the reasons above, the examiner's refusal to enter the amendments filed September 13, 2007 is found proper. Accordingly, the petition for entry of the after final amendment is **DENIED.**

The application will be forwarded to the examiner for consideration of the appeal brief filed November 13, 2007.

JMStone

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

KENYON & KENYON
Suite 600
333 W. San Carlos Street
San Jose CA 95110-2711

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE
SUITE 101
ELLICOTT CITY MD 21043

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NOV 15 2006
OFFICE OF PETITIONS

In re Application of :
Robert E. Fischell, et al. :
Application No. 10/741,141 : DECISION ON PETITION
Filed: December 22, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. MR3065-16 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 2003, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a declaration statement signed by applicant Robert E. Fischell. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3762 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/741,145	12/19/2003	Kathumbi-Jackson	19310

CONFIRMATION NO. 7753

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH WI 54956

Date Mailed: May 6, 2005

Letter Regarding Petition Under 37 CFR 1.182 Filed With Replacement Drawings

The petition under 37 CFR 1.182 filed September 07, 2004 is acknowledged.

The procedure for submitting replacement drawings by filing a petition under 37 CFR 1.182 and a petition fee has been eliminated. Mail Stop PGPUB Drawings has also been eliminated. The Office may include any replacement drawings filed in compliance with 37 CFR 1.84 and 1.121(d) in the patent application publication if the replacement drawings are entered into the Office file wrapper of the application before technical preparations for publication of the application have begun (generally four months prior to the projected publication date.) See *Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan*, Final Rule, 68 *Fed. Reg.* 56481, 56514-56525 (Sept. 21, 2004).

Accordingly, the replacement drawings filed with the petition under 37 CFR 1.182 may be included in the patent application publication if the drawings are in compliance with 37 CFR 1.84 and 1.121(d) and if they are entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

If a petition fee or processing fee was submitted with the replacement drawings, then the fee has been refunded.

Telephone inquiries regarding this letter should be directed to the Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Kaletus King
Pre Grant Publication

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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
10/741,148	12/19/2003	2817	385	834	5	9	2

CONFIRMATION NO. 4836

33729
LAW OFFICES OF ALBERT WAI-KIT CHAN, LLC
WORLD PLAZA, SUITE 604
141-07 20TH AVENUE
WHITESTONE, NY 11357

CORRECTED FILING RECEIPT

OC000000012374210

Date Mailed: 04/30/2004

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)

Alan Bayko, Saskatoon, CANADA;

Domestic Priority data as claimed by applicant

Foreign Applications

CANADA 2,414,965 12/23/2002

If Required, Foreign Filing License Granted: 03/30/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Phase shift modulation class D amplifier

Preliminary Class

330

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

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Jonah M. Alben et al :
Application No. 10/741,149 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 019680-007400US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 22, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed September 20, 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) were obtained. Accordingly, the above-identified application became abandoned on December 21, 2005.

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

This matter is being referred to Technology Center AU 2816 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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ERIC B. MEYERTONS
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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OFFICE OF PETITIONS

In re Application of :
HOULE, et al. :
Application No. 10/741,156 : DECISION ON PETITION
Filed: December 19, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 5053-00510 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a declaration signed by Mr. Mason indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

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 2624 for action on the merits commensurate with this decision.

Patricia Volpe
Petitions Examiner
Office of Petitions

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KOWERT & GOETZEL, P.C.
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DEC 0 4 2006

OFFICE OF PETITIONS

In re Application of :

HOULE, et al. :
Application No. 10/741,157 : DECISION ON PETITION
Filed: December 19, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 5053-00511 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a declaration signed by Mr. Mason indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

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 3714 for action on the merits commensurate with this decision.

Patricia Volpe
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

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SEP 07 2006

OFFICE OF PETITIONS

In re Application of :
Gang Chen et al. :
Application No. 10/741,161 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. 28946-701.501 : 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 3, 2006.

The request is **APPROVED**.

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

The request was signed by Shirley Chen on behalf of all attorneys of record who are associated with Customer No. 21971.

All attorneys/agents associated with the Customer No. 21971 have been withdrawn.

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

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

There is 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: Shanghai Weike Biopharmaceutical Co., Ltd.
No. 300 Juli Road, Zhangjiang High-Tech Park
Pudong New Area
Shanghai, China 200000

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,161	12/19/2003	Gang Chen	28946-701.501

CONFIRMATION NO. 1603

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

OC000000020197262
OC000000020197262

Date Mailed: 08/25/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/03/2006.

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

J. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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OFFICE OF PETITIONS

In re Application of :
Upul Bandarage et al :DECISION ON PETITION
Application No. 10/741,164 :UNDER 37 CFR 1.78(a)(6)
Filed: December 19, 2003 :
Attorney Docket No. VP1/02-141 US :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 27, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

The petition was accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications.

This nonprovisional application was filed on December 19, 2003, and was pending at the time of filing of this petition. While a reference to the prior-filed applications was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the declaration filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR 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)(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)(6).[1] In the instant case, the Office noted the claim for priority of the prior-filed applications in the declaration filed with the application, as shown by their inclusion on the filing receipt.

However, even if the Office has recognized a benefit claim by entering it into the Office's database and including it on applicant's filing receipt, the benefit claim is not a proper benefit claim under 35 U.S.C. § 119(e) or 35 U.S.C. § 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence of the specification and all other requirements are met. While the petition is accompanied by an amendment to include a reference to the prior-filed provisional applications, petitioner is advised that the amendment includes an improper incorporation by reference statement. In this regard, petitioner's attention is directed to MPEP Section 201.11 under subheading "III. Reference to Prior Application(s)."

In view of the above, the $1,370 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 undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 1626 for such further action as the nature of the case may require.

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *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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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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FEB 21 2008

In re Application of :
BANDARAGE et al. :
Application No. 10/741,164 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. VPI/02-141 US :

This is a decision on a petition under 37 CFR 1.137(b), filed July 3, 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 reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 17, 2006, which set a shortened statutory period for reply of three (3) months. A one-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 18, 2007.

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

The instant petition does not satisfy requirement (1).

Regarding requirement (1), MPEP 711.03(c)(II)(A)(2)(b) states that the reply required for consideration of a petition to revive must be: (A) a Notice of Appeal and appeal fee; (B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance; (C) the filing of an RCE (accompanied by a

submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995 (see paragraph (d) below); or (D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application). Petitioner filed an amendment under 37 CFR 1.116. However, the amendment neither cancels all the rejected claims nor otherwise prima facie places the application in condition for allowance. See the enclosed Advisory Action Before the Filing of an Appeal Brief (PTOL-303). The required reply, therefore, has not been filed.

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 ("... *applicants hereby state that the lack of sufficient funds in their deposit account was unintentional*") appearing in the petition varies 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.

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 Quyen Leung at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

David Bueci
Petitions Examiner
Office of Petitions

enc: PTOL-303

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/741,164	**Applicant(s)** BANDARAGE ET AL.	
	Examiner Susannah Chung	**Art Unit** 1626	

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

THE REPLY FILED 13 April 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 _____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: *1,11-29,34 and 39*.
   Claim(s) objected to: _____.
   Claim(s) rejected: *42*.
   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: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

REBECCA ANDERSON
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Claim 42 is not enabled. Claim 42, was rejected for scope of enablement. Chron's disease not enabled.

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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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AUG 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Upul **BANDARAGE ET AL** :
Application No. 10/741,164 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. VPI/02-141 US :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed October 17, 2006, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) the reply in the form of an amendment that *prima facia* places the application in condition for allowance as noted by the examiner, (2) the petition fee of $ 1500, and (3) a proper statement of unintentional delay.

Since a petition fee of $1500 was submitted with the petition filed on July 3, 2007, the duplicate petition fee of $1540 submitted with the renewed petition on April 2, 2008 is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052 or in her absence the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1626 for appropriate action by the Examiner.

Chris Bottorff

for David Bucci
Petitions Examiner
Office of Petitions

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HEALTH HERO NETWORK, INC.
2400 GENG ROAD, SUITE 200
PALO ALTO CA 94303

MAILED

JUL 30 2009

OFFICE OF PETITIONS

In re Application of :
Stephen J. Brown : DECISION ON PETITION
Application No. 10/741,168 :
Filed: December 18, 2003 :
Attorney Docket No. 7553.00023 / 03-1200

This is a decision on the petition under the unintentional provisions of 37 CFR 1.181, filed June 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of March 13, 2009 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 14, 2009. See MPEP 1214.06. A Notice of Abandonment was mailed June 5, 2009.

Petitioner contends that the Notice of Abandonment should be withdrawn as petitioner filed a Request for Continued Examination (RCE) on April 9, 2009. Petitioner argues that this is the proper procedure in accordance with MPEP 1214.07.

37 CFR 1.114 states:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
(1) Payment of the issue fee, unless a petition under § 1.313 is granted;
(2) Abandonment of the application; or
(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

While MPEP 1214.04 states [b]y proceeding in this manner, the appellant waives his or her right to further prosecution before the examiner, In re Greenfield, 40 F.2d 775, 5 USPQ 474 (CCPA

1930), this statement governs further prosecution before the examiner prior to filing of an RCE. Accordingly, the RCE is a proper response to the March 13, 2009 decision by the Board of Patent Appeals and Interferences.

The application is being referred to the Technology Center AU 1631 for further processing of the RCE and amendment filed April 9, 2009 in accordance with the above decision.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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JENNIFER P. YANCY
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

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APR 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Christine Martz	:	
Application No. 10/741,176	:	DECISION ON PETITION
Filed: December 20, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MARTZ-UNDERWEAR-CON	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed February 23, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

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

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

The application is being forwarded to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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DEC 14 2006

OFFICE OF PETITIONS

In re Application of	:	
BURNETT, et al.	:	
Application No. 10/741,177	:	DECISION ON PETITION
Filed: December 19, 2003	:	TO WITHDRAW
Attorney Docket No. 35069-1110	:	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 11, 2006.

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

A review of the file record indicates that the power of attorney to TOWNSEND AND TOWNSEND AND CREW, LLP has been revoked by the assignee of the patent application on October 05, 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 address indicated below until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: LUCE, FORWARD, HAMILTON & SCRIPPS LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,177	12/19/2003	Daniel R. Burnett	2502973-991100

CONFIRMATION NO. 4887

OC000000021598773

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 12/14/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

PVolpe

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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JUN 0 5 2008

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CROCKETT & CROCKETT
24012 CALLE DE LA PLATA
SUITE 400
LAGUNA HILLS, CA 92653

In re Application of :
Burnett et al. :
Application No. 10/741,177 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 213/056 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 22, 2007, which set a shortened statutory period for reply of three (3) months. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 23, 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 continuing application under 37 CFR 1.53(b); (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.

Also, 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 $295.00 extension of time fee submitted with the petition on January 25, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 03-0700.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of a continuing application No. 12/148,702.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE NY 11553

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AUG 2 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 10/741,181	:	DECISION DISMISSING PETITION
Filed: 19 December, 2003	:	
Atty Docket No. 678-1147 (P10538)	:	
	:	

This is a decision on the petition filed on 3 June, 2004, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of 19 December, 2003, with Figure 5b described in the specification as a part of the original disclosure.

On 19 December, 2003, the above-identified application was filed. However, on 31 March, 2004, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that the application had been accorded a filing date of 19 December, 2003, and advising applicant that, *inter alia*, Figure 5b described in the specification appeared to have been omitted.

In response, on 3 June, 2004 (certificate of mailing date 1 June, 2004),[1] applicant filed, *inter alia*, the present petition, a $130.00 petition fee, and a copy of one (1) sheet of drawings containing Figures 4, 5A, and 5B. Petitioners request that the application, including Figure 5B, be accorded a filing date of 19 December, 2003. In support, petitioners supplied a copy of a postcard receipt itemizing, *inter alia*, the filing of 13 sheets of drawings.

---

[1] If the period to reply ends on a Saturday, Sunday or federal holiday, the reply is timely if it is filed on the next succeeding business day. MPEP 710.01(a). When a timely reply is not filed, the application is regarded as abandoned after midnight of the date the period for reply expired. Id. Since 31 May, 2004, was a federal holiday, the response filed on 1 June, 2004, is considered timely filed.

A review of the record reveals that applicant filed 13 sheets of drawings, consisting of Figures 1-4, 5A, and 6-19 with the application papers on 19 December, 2003. No Figure 5B was filed on 19 December, 2003, since no such Figure is contained within the sheets of drawings filed on that date. Furthermore, petitioners' postcard receipt does not serve as probative evidence that Figure 5b was filed on 19 December, 2003, since the postcard itemizes the filing of 13 sheets of drawings, and 13 sheets of drawings were received on 19 December, 2003. Figure 5b simply was not included in the drawings filed on 19 December, 2003.

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 and drawing Figures, and number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. As petitioner has provided no convincing evidence that drawing Figure 5b was filed in the USPTO on 19 December, 2003, the petition must be dismissed.

Accordingly, the petition is dismissed.

The $130.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

As to petitioners' claim that the present application incorporates by reference "the entire foreign application, shich contains Figure 5b," Section 201.06(c) of the Manual of Patent Examining Procedure states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. (emphasis supplied)

Obviously, in view of the incorporation by reference of the prior

application, the drawing of Figure 5b is not new matter if it was a part of the disclosure of the prior application.

Petitioners should file the drawing of Figure 5b as a preliminary amendment. If Figure 5b is filed as a preliminary amendment it, will be reviewed by the examiner for new matter.

The one sheet of drawings containing Figure 5b filed with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 19 December, 2003, using only the application papers present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 912-5640.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

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JUL 23 2004

OFFICE OF PETITIONS

In re Application of :
Burch, et al. :
Application No. 10/741,195 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 900.1028 :

This is a decision on the papers styled, "Petition To Establish Prior Receipt In The U.S.P.T.O. Of Item(s) Considered As Omitted," filed May 11, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 18, 2003, including page 40 of the specification.

The application was filed on December 18, 2003. However, on April 12, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Mission Parts Of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but page 40 of the specification appears to have been omitted.

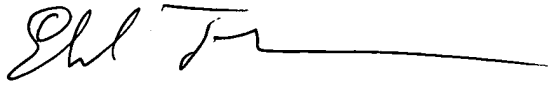
In response, on May 11, 2004, the instant petition was submitted. A copy of page 40 of the specification was submitted on July 22, 2004. The petition was accompanied by a copy of applicant's postcard receipt that acknowledges receipt of sixty-eight (68) pages of specification, claims and abstract on December 18, 2003. A review of the application file indicates the presence of sixty-seven (67) pages of specification, claims and abstract. It is assumed that page 40 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee, submitted May 11, 2004, will be refunded to deposit account no. 50-0552.

This application will be returned to OIPE for further processing with a filing date of December 18, 2003, using the copy of page 40 of the specification, supplied on July 22, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.



Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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MAR 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Wang, et al. : DECISION ON APPLICATION
Application No. 10/741,204 : FOR PATENT TERM ADJUSTMENT
Filed: December 19, 2003 :
Atty. Dkt. No.: JB01644K :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT (PTA) UNDER 37 C.F.R. § 1.705," filed September 26, 2006. This matter is being properly treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment (PTA) under 37 CFR 1.705(b) is **DISMISSED**.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed July 6, 2006, indicated a patent term adjustment (PTA) to date of 263 days. The issue fee payment was timely received October 2, 2006. Applicants argue that the correction adjustment is 139 days.

The correct PTA at the time of the allowance is 263 days, as indicated on the Determination of Patent Term Adjustment mailed July 6, 2006.

An adjustment of 324 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1). The adjustment of 324 days was properly reduced 61 days in accordance with 37 CFR 1.704(b).

The adjustment of 324 days is properly reduced 61 days in accordance with 37 CFR 1.704(b) in connection with the reply to the non-final rejection submitted June 9, 2006.

As to applicants' argument that the first Office communication was a restriction required received via facsimile from the examiner of record on August 30, 2005 and applicants' verbal response of September 1, 2005, a review of the official application file wrapper does not reveal that a restriction requirement was mailed or given to applicants on the referenced

date. The copy of the communication submitted herewith can, at best, be deemed an informal communication between the examiner of record and applicants as the reply is not signed, does not set forth a period of time for reply, and, as stated, was not entered into the record by the examiner.

Accordingly, the first Office communication within the meaning of 35 USC 132 is the non-final Office action mailed January 9, 2006, as indicated by the official file wrapper.

In view thereof, at the time of allowance, the application was entitled to an adjustment of 263 days.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The required Patent Term Adjustment application fee of $200.00 has been charged to applicants' deposit account.

This application is being forwarded to the Office of Patent Publication for further processing.

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 Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

Schering-Plough Corporation
Patent Department; K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, NJ 07033

In re Application of
Orth et al.
Application No. 10/741,208
Filed: Dec. 13, 2003
Attorney Docket No. JB01631K US

: DECISION GRANTING PTA REQUEST

This decision is in response to Patentees "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)"DETERMINATION" FILED ON July 13, 2007 requesting that the USPTO review the PTA determination at the time of the issuance of the patent in light of the actual date of the notice of appeal being filed on March 13, 2007 not March 12, 2007 as entered into the PALM record. The Office thanks patentees for their good faith and candor in bringing this matter to the attention of the USPTO

Patentee's request is **GRANTED-in-part**. The Office will adjust the PTA calculation reflected in PAIR to reflect this decision. The correct amount of PTA at the time of the mailing of the notice of allowance is 57 days not 58 days.

If patentee disputes this determination, patentee may file a reply within **thirty days or one-month** whichever is longer. No extensions of time under 37 CFR 1.136.

Patentee argues that the Office erred in entering the date of the receipt of the notice of appeal as March 12, 2007 rather than March 13, 2007. Accordingly, applicants assert that the Office should have assessed one additional day of delay pursuant to 37 CFR 1.704(b).

Patentee's argument is persuasive. Upon review, the record clearly reflects the submission of the notice of appeal on March 13, 2007.[1] Accordingly, the correct amount of delay for the notice of appeal submission should reflect 66 days rather than the enumerated amount of 65 days. Accordingly, the overall amount of Office delay is 150 days and the amount of Office delay is 207 days under 37 CFR 1.702(a)(1). Accordingly, PTA is (207-150= 57) fifty-seven days.

After review of this decision, this application will be forwarded to the publication branch for a prompt issuance of the patent. Any delays pursuant to 37 CFR 1.702)(4) or 1.702(b)will be

[1]The reduction began on January 7, 2006 and ended on March 13, 2007, 66 days after the three month deadline under 37 CFR 1.704(b).

determined at the time of the issuance of the patent and will be reflected in the PTA determination that is reflected in the issue notification letter mailed to applicants approximately three weeks prior to issuance.
Since this letter is considered a letter of good faith and candor, the USPTO will not assess a $200.00 fee.

Any questions concerning the issuance of this patent should be directed to Kery A. Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757

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

cc: Adjusted Pair Calculation

PALM INTRANET

Day : Friday
Date: 8/3/2007
Time: 14:03:54

PTA Calculations for Application: 10/741208			
Application Filing Date:	12/19/2003	PTO Delay (PTO):	207
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	149
Post-Issue Petitions:	0	Total PTA (days):	57
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
58	08/03/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
52	03/21/2007	MAIL NOTICE OF ALLOWANCE			
51	03/21/2007	MAIL OATH OF DECLARATION REQUIRED			
50	03/19/2007	ISSUE REVISION COMPLETED			
49	03/19/2007	OATH OR DECLARATION REQUIRED			
48	03/19/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	03/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
46	03/19/2007	NOTICE OF ALLOWABILITY			
45	03/15/2007	DATE FORWARDED TO EXAMINER			
44	03/12/2007	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
43	03/12/2007	NOTICE OF APPEAL FILED		65	40
42	03/12/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
41	10/12/2006	CASE DOCKETED TO EXAMINER IN GAU			
40	10/06/2006	MAIL FINAL REJECTION (PTOL - 326)			
39	10/02/2006	FINAL REJECTION			
38	08/16/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
37	07/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	07/28/2006	CASE DOCKETED TO EXAMINER IN GAU			
35	07/20/2006	REFERENCE CAPTURE ON IDS			
34	07/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	32
33	07/25/2006	DATE FORWARDED TO EXAMINER			
32	07/20/2006	RESPONSE AFTER NON-FINAL ACTION		84	29

31	07/20/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	07/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
29	01/27/2006	MAIL NON-FINAL REJECTION			
28	01/23/2006	NON-FINAL REJECTION			
27	02/19/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	11/09/2005	DATE FORWARDED TO EXAMINER			
25	11/03/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
24	11/03/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	09/14/2005	MAIL RESTRICTION REQUIREMENT	207		-1
22	09/06/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
21	02/19/2004	REFERENCE CAPTURE ON IDS			
20	02/19/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	07/22/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	07/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	05/05/2004	APPLICATION RETURN FROM OIPE			
16	05/05/2004	APPLICATION RETURN TO OIPE			
15	05/05/2004	APPLICATION DISPATCHED FROM OIPE			
14	05/05/2004	APPLICATION IS NOW COMPLETE			
13	04/14/2004	ADDITIONAL APPLICATION FILING FEES			
12	04/14/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	03/05/2004	CLEARED BY L&R (LARS)			
7	03/05/2004	CLEARED BY L&R (LARS)			
6	02/20/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
5	02/20/2004	CASE CLASSIFIED BY OIPE			
4	01/14/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	01/10/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	12/19/2003	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	12/19/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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NOV 0 5 2004

Technology Center 2100

In re Application of:
Thomas C. Savell, et al.
Application No. 10/741,227
Filed: December 19, 2003
For: METHOD AND CIRCUIT TO IMPLEMENT DIGITAL DELAY LINES

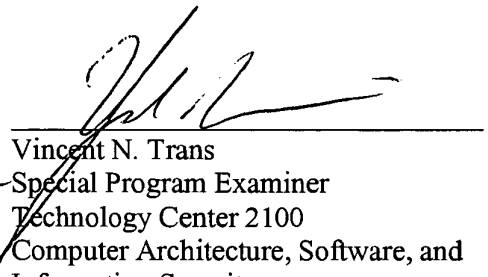
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed October 4, 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.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: Schwegman, Lundberg, Woessner & Kluth, P.A.
121 South Eighth Street
Suite 1600
Minneapolis, MN 55402

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Paper No.

Tarek N. Fahmi
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

MAIL

NOV 2 6 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Thomas C. Savell.
Application No. 10/741,227
Filed: December 19, 2003
For: METHOD AND CIRCUIT TO IMPLEMENT DIGITAL DELAY LINES

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed October 04, 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 filed October 04, 2004 meets all the requirements. Accordingly 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.

James R. Matthews

for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
703-305-9750

cc: SCHWEGMEN, LUNBERG, WOESSNER & LKUTH, P.A.
121 South Eighth Street, Suite 1600
Minneapolis, MN 55402

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FERRELLS, PLLC
P.O. BOX 312
CLIFTON, VA 20124-1706

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OFFICE OF PETITIONS

In re Application of :
Carrie A. Feeney et al :
Application No. 10/741,251 : DECISION ON PETITION
Filed: December 19, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. IM-03-3 (NBE) :

This is a decision on the petition, filed January 26, 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 July 27, 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 September 27, 2007 accompanies this decision on petition.

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 Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 1712 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Michael W. Ferrell
Ferrells, PLLC
4400 Fair Lake Court, Ste. 201
Fairfax, VA 220033-3899

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/741,251	12/19/2003	Carrie A. Feeney	IM-03-3 (NBE)

CONFIRMATION NO. 3585

40256
FERRELLS, PLLC
P. O. BOX 312
CLIFTON, VA 20124-1706

Date Mailed: 06/20/2007

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 09/27/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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TWO RENAISANCE SQUARE
SUITE 2700
40 NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-4498

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OFFICE OF PETITIONS

In re Application of :
Tom Rychener, et al. :
Application No. 10/741,260 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. 59372.00003 : 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 27, 2004.

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 Allen J, Moss on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

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

There is an outstanding Office action mailed June 15, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: TOM RYCHENER
2126 EAST EVAN DRIVE
PHOENIX, AZ 85022

cc: LARRY BARNES, PRESIDENT
INTERNATIONAL INTERNET TELECOM, INC.
7305 W. BOSTON STREET
CHANDLER, AZ 85226

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,260	12/19/2003	Tom Rychener	59372.00003

CONFIRMATION NO. 4033

OC000000024797762

Squire, Sanders & Dempsey L.L.P.
Two Renaissance Square
Suite 2700
40 North Central Avenue
Phoenix, AZ 85004-4498

Date Mailed: 07/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2004.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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JUN 13 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:
Hartwig Wehrman	:
Serial No.: 10/741,262	: SUSPENSION OF ACTION
Filed: December 19, 2003	:
Attorney Docket No.: P06274US01	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicant requests that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicant's petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

John LeGuyader, Director 1600

For:

George Elliott
Director, Technology Center 1600

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MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of :
Hartwig Wehrmann :
Application No. 10/741,262 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. P06274US01 :

This is a decision on the "PETITION TO WITHDRAW A TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.182" filed May 1, 2007, requesting that a second terminal disclaimer of patent No. 6,232,535 inadvertently filed in the instant application on February 14, 2007 be withdrawn as unnecessary.

The petition is **GRANTED**.

The terminal disclaimer filed on February 14, 2007, is hereby **WITHDRAWN**.

Petitioner argues that the second terminal disclaimer is unnecessary as a first terminal disclaimer was filed which overcame the rejection. The examiner states that the terminal disclaimer does not apply to any claim currently of record because it is unnecessary to overcome the obviousness double patenting (ODP) rejection. U.S. Patent 6,232,535 was cited only as a secondary reference in an ODP rejection. The examiner states that the only terminal disclaimer necessary is that of U.S. Patent No. 6,815,592, which was filed by applicants and approved by the Office.

It should be noted that this decision is not a determination that the subject matter of the current claims is distinct from the claims in the patents and/or applications to which the terminal disclaimer applied.

The requested petition fee of $400, not $130, has been charged to Deposit Account No. 26-0084, as authorized.

A Notice of Allowance has been issued in this application and the issue fee has been paid. The Office of Patent Publication has been advised of this decision. The application has, thereby, been forwarded to Publications for correction of PALM and file records consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,282	12/19/2003	Adrianus Josephes Van Den Nieuwelaar	37814/295508	3983

23370 7590 09/23/2008

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

EXAMINER	
PRICE, RICHARD THOMAS JR	

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10741282	12/19/03	VAN DEN NIEUWELAAR ET AL.	37814/295508

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

EXAMINER	
PETER M.. POON	
ART UNIT	**PAPER**
3643	20080922

DATE MAILED:

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

Commissioner for Patents

This is in response to the petition to Request To Correct Inventorship Pursuant to 37 CFR 1.324 filed on June 30, 2008. Please see attachment.

/Peter M. Poon/
Supervisory Patent Examiner, Art Unit 3643

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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In re Patent No. VAN DEN NIEUWELAAR ET AL.
Issue Date: January 17, 2006
Appl No.: 10/741,282
Filed: December 19, 2003
For: Method and Device for Processing a Carcass Part of Slaughtered Poultry

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed June 30, 2008 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Peter M. Poon/
Supervisory Patent Examiner, Art Unit 3643

Peter M. Poon
Supervisory Patent Examiner
Art Unit 3643
Technology Center 3600

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

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FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET, 41ST FLOOR
LOS ANGELES CA 90071

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Mark Gerard Moloney, et al. :
Application No. 10/741,288 :
Filed: December 19, 2003 :
Attorney Docket No. LA-7096-101N1 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

05 MAY 2010

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FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET, 41ST FLOOR
LOS ANGELES, CA 90071

In re Application of	:	
MOLONEY et al	:	
U.S. Patent No.: 7,034,129	:	DECISION ON PETITION
Application No.: 10/741,288	:	UNDER 37 CFR 1.55
Filing Date: December 19, 2003	:	
Attorney Docket No.: LA-7096-101N1	:	

This is a decision on the petition under 37 CFR 1.55(c), filed January 23, 2008, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of United Kingdom Application No. 9824023.7, filed November 3, 1998.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) 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);

(2) the surcharge as set forth in 37 CFR 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(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.)

The instant petition fails to comply with item (1) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet in accordance with 37 CFR 1.76(b)(6). Unless provided in an application data sheet, 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 applications 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. Note MPEP 201.14, page 200-84 (Rev. 5, August 2006), last paragraph, second column.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Applicant is advised that a certified copy of the foreign priority application along with any required processing fee under 37 CFR 1.17(i) must be filed before a patent is granted on the present application. 37 CFR 1.55(a)(2). If the certified copy has been filed in a parent or related application, applicant need only identify the application containing the certified copy. MPEP 201.14(b), Section II. Later Filed Applications, Reissues.

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

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

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FEB 24 2005

OFFICE OF PETITIONS

In re Application of :
Trung Tri Doan, et al. :
Application No. 10/741,300 : ON PETITION
Filed: December 17, 2003 :
Attorney Docket No. MI22-2471 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 11, 2005, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioners request that the application be withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3). The above-identified application is expressly abandoned in favor of a continuing application under 37 CFR 1.53(b) filed May 5, 2004.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Files Repository as an abandoned application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 19 2005

LEON D. ROSEN
FREILICH, HORNBAKER & ROSEN
Suite 1220
10960 Wilshire Blvd.
Los Angeles CA 90024

In re Application of :
Max Harry Weil, et al :
Serial No.: 10/741,302 :
Filed: December 19, 2003 :
For: Rhythm Identification In ECG for Resuscitation :

DECISION PETITION

This is in response to applicants' petition filed July 20, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has 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 Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT DEPARTMENT - 53051
KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

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OFFICE OF PETITIONS

In re Application of :
WEISSMAN, Adam J. et al. :
Application No. 10/741,303 : DECISION ON PETITION
Filed: December 18, 2003 : TO WITHDRAW
Attorney Docket No. **53051/288073** : 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 08, 2007.

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

A review of the file record indicates that the power of attorney to KILPATRICK STOCKTON LLP has been revoked by the assignee of the patent application on March 14, 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: **FISH & RICHARDSON P.C.**
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUL - 9 2004

In re Application of	:	
Ronald N. Yeaple	:	
Serial No. 10/741,325	:	DECISION ON PETITION
Filed: December 19, 2003	:	TO MAKE SPECIAL
For: BOOKBINDING MACHINE AND	:	
METHOD FOR INDIVIDUAL	:	
BOOKBINDING SYSTEM	:	

Applicant's petition, filed December 19, 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

Jacqueline E. Hartt
Allen, Dyer, Doppelt, Milbrath & Gilchrist
255 South Orange Ave., Suite 1401
Orlando, FL 32802

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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ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston, TX 77079

Mail Date: 04/21/2010

Applicant	: Zhenhua Mao	: DECISION ON REQUEST FOR
Patent Number	: 7618678	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/741,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: 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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wk

Mailed: 3-5-07

In re application of	:	
Hooks et al.	:	DECISION ON
Serial No. 10/741,385	:	PETITION
Filed: December 19, 2003	:	
For: METHOD OF MAKING A CATALYST FOR DIRECT OXIDATION OF AN ALKENE TO AN ALKENE OXIDE	:	

This is a response to applicants Petition To The Director Under 37 C.F.R. 1.181 filed on January 29, 2007. The petition requests that the Notice of Non-Compliant Appeal Brief mailed December 27, 2006 be withdrawn and that the Appeal Brief as filed be entered..

For the summary of claimed subject matter in an Appeal Brief, there has to be a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which must refer to the specification by page and line number, and to the drawing, if any, by reference characters. While reference to page and line number of the specification requires somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of 37 CFR 41.37(c)(1)(vii), every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. If appellant does not provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), the Office will notify appellant of the defect in the brief and give appellant a time period within which to file an amended brief. See 37 CFR 41.37(d).

In the instant case, there are 2 independent claims on Appeal: claim 1 and claim 38. The summary of claimed subject matter does not mention the limitation or any differences between claim 1 and 38. From a reading of the Summary of Claimed Subject Matter, it is not clear that there is a difference between the two claims mentioned nor is there a "mapping" of each limitation to the specification by page and line number.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

The Petition is **DENIED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Jim Wheelington
SABIC Americas, Inc.
SABIC Technology Center
1600 Industrial Center
Sugar Land, Texas 77478

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Application of :
HARRIS, et al. :
Application No. 10/741,407 : DECISION GRANTING PETITION
Filed: December 19, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **6001.0253USU1/MS301749.2** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 19, 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 July 10, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2165 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
P.O. Box 1450
Alexandria, VA 22313-1450
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Advanced Bionics, LLC
25129 Rye Canyon Loop
Valencia, CA 91355

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OFFICE OF PETITIONS

In re Application of	:	
Zdzislaw B. Malinowski	:	
Application No. 10/741,412	:	DECISION ON PETITION
Filed: December 19, 2003	:	TO WITHDRAW
Attorney Docket No. 3013-0179 (05-00556-02)	:	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 11, 2008.

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

A review of the file record indicates that the power of attorney to Advanced Bionics, LLC has been revoked by the assignee of the patent application on May 27, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Advantedge Law Group, LLC**
3301 N. University Avenue
Suite 200
Provo, UT 84604

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

Mail Date: 04/21/2010

Applicant	: Baruch Levanon	: DECISION ON REQUEST FOR
Patent Number	: 7652188	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/741,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK D. SARALINO (GENERAL)
RENNER OTTO BOISELLE & SKLAR LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND, OH 44115-2191

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MAY 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Norio Umezu et al	:	
Application No. 10/741,472	:	DECISION GRANTING PETITION
Filed: December 18, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ONKYP0104US	:	

This is a decision on the petition, filed May 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 31, 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 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : May 6, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of **Application No. 10/741,472**

Applicant(s) : Norio Umezu et al
Application No. : 10/741,472
Filed : December 18, 2003

The above-identified application has been assigned Patent No. 6,891,264 and an issue date of May 10, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of May 10, 2005:

"All reference to Patent No. 6,891,264 to Norio Umezu et al of Japan for HEATSINK ARRANGEMENT FOR SEMICONDUCTOR DEVICE appearing in the Official Gazette of May 10, 2005 should be deleted since no patent was granted."

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison; Crystal Park 3, Suite 441 (FAX-703-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara K. Greene, PK3-910

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OIW 11-04

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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NOV 17 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION ACCORDING STATUS
Jue, Mann, Yom-Tov, Fourt, Tarbell,	:	UNDER 37 CFR 1.47(a)
and Lawson	:	
Application No. 10/741,478	:	
Filed: 19 December, 2003	:	
Atty Dkt No. 004860.P2667X2	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 4 October, 2004.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor cannot be found. Specifically, petitioners have shown, via the declaration of registered patent attorney J. Scott Heileson, that a copy of the application was sent to the non-signing inventor at his last known address but was reported as undeliverable by the USPS. A copy of the application has also been sent to a previous address given by the non-signing inventor, but the declaration was not returned. As such, despite diligent efforts to contact Tsai, the non-signing inventor could not be located.

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

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 renewed petition, not the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to Technology Center 2800 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of	:	
COLLINS, Mary et al.	:	
Application No. 10/741,481	:	DECISION ON PETITION
Filed: December 22, 2003	:	TO WITHDRAW
Attorney Docket No. **08702.0098-00000**	:	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 19, 2007.

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

A review of the file record indicates that the power of attorney to Finnegan, Henderson, Farabow, Garrett & Dunner LLP has been revoked by the assignee of the patent application on March 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **WOLF GREENFIELD & SACKS, P.C.**
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,481	12/22/2003	Mary Collins	08702.0098-00000

CONFIRMATION NO. 5956

OC000000024079947

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Date Mailed: 05/25/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/27/2007.

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.

Michelle R. Eason

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,481	12/22/2003	Mary Collins	08702.0098-00000

CONFIRMATION NO. 5956

OC000000024079920

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 05/25/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/27/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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OFFICE OF PETITIONS

In re Patent No. 7,488,802	:	DECISION ON APPLICATION
Collins et al.	:	FOR DECISION ON
Issue Date: February 10, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/741,481	:	and
Filed: December 22, 2003	:	DECISION ON REQUEST FOR
Atty Docket No. M0274.70042US01	:	RECONSIDERATION OF
	:	PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)" filed December 30, 2008. This also responds to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. §1.705(d)," filed April 10, 2009. Patentees request that the patent term adjustment determination for the above-identified patent be changed from two hundred eighty-seven (287) days to five hundred thirty-eight (538) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On September 30, 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 287 days. The instant application for patent term adjustment was timely filed[1] on or before payment of the issue fee.

On March 18, 2008, the above-identified application matured into US Patent No. 7,488,802 with a patent term adjustment of 287 days. This request for reconsideration of patent term

[1] PALM records indicate that the issue fee was also paid on December 30, 2008.

adjustment was timely filed within two months of the issue date of the patent. See 1.705(d). It is noted that the request for reconsideration requests the same relief requested in the prior application for patent term adjustment.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required[2].

Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 251 days and the period of adjustment due to other examination delay, pursuant to 37 CFR §1.702(a), of 543 days[3]. The 251 day period is calculated based on the application having been filed under 35 U.S.C. §111(a) on December 22, 2003, and a request for continued examination (RCE) having been filed in this application on August 31, 2007, three years and 252[4] days later. Patentees do not dispute the period of reduction of 256 days for applicant delay. As such, patentees maintain that the patent term adjustment is 538 days (543 + 251) - 256)).

The Office agrees that as of the filing of the RCE on August 31, 2007, the application was pending 3 years and 252 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of periods of adjustment of 543 (483 + 35 + 25) days is correct. At issue is whether Patentees should accrue 252 (or 251) days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as, 543 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the 252 days overlap with the period of adjustment of 483 days accorded prior to the filing of the RCE.

---

[2] Given that the basis for the §1.705(d) filing is solely the grounds set forth on the undecided application for patent term adjustment under §1.705(b), a single fee of $200 is being charged.

[3] A first restriction requirement was mailed on June 20, 2006, 14 months and 483 days after the application was filed on December 22, 2003. A non-final Office action was mailed on February 4, 2008, four months and 35 days after applicant filed their reply in compliance with 1.113(c) on August 31, 2007. A notice of allowance was mailed on September 30, 2008, four months and 25 days after applicant filed a reply on May 5, 2008.

[4] The period is calculated as 252, not 251, days.

Thus, entry of an additional period of adjustment of 251 (or 252) days is not warranted. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> 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. 54366 (Sept. 18, 2000). See also *Revision of Patent Term*

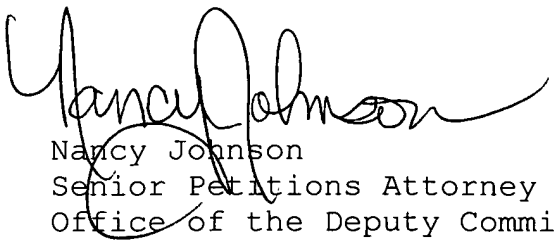
Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1:703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office, December 22, 2003, to the filing date of the RCE, August 31, 2007. The period consumed by the request for continued examination is excluded and not considered in determining overlap. 483 days of patent term adjustment were accorded prior to the filing of the request for continued examination. All of the 252 days for over three-year pendency overlap with the 483 days of Office delay attributable to grounds specified in § 1.702(a)(1) accorded prior to the filing of the request for continued examination. Entry of both periods is not warranted. The greater period of 483 days is determined to be the actual number of days the patent was delayed by the Office as of the filing of the request for continued examination on August 31, 2007.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

In view thereof, no adjustment to the patent term of two hundred eighty-seven (287) days will be made.

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



Nancy Johnson
Senior Petitions Attorney
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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(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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APR 26 2006

OFFICE OF PETITIONS

Applicant: Luan et al.
Appl. No.: 10/741,482
Filing Date: December 22, 2003
Title: COMPOSITE MATERIALS AND THEIR USE IN SMOKING ARTICLES
Attorney Docket No.: 021238-547
Pub. No.: US 2005/0133051 A1
Pub. Date: June 23, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 12, 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.

Inquiries relating to this matter may be directed to Mark O. 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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Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO, IL 60690-2786

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AUG 1 9 2004

OFFICE OF PETITIONS

In re Application of :
Larry Buenz, et al. :
Application No. 10/741,513 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 8392-95251 :

This is a decision on the petition, filed August 12, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 12, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

The application is being referred to Technology Center AU 2839 for further processing of the request for continued examination under 37 CFR 1.114 filed August 12, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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SEP 16 2004

OFFICE OF PETITIONS

In re Application of	:
Hillman, et al.	: DECISION REFUSING STATUS
Application No. 10/741,520	: UNDER 37 CFR 1.47(a)
Filed: December 19, 2003	:
Atty. Dkt. No.: 004860.P2667X8	:
For: COMPUTER CONTROLLED	:
DISPLAY DEVICE	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 19, 2004.

The petition is **DISMISSED**.

Rule 47 applicants are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted 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 December 19, 2003 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed June 16, 2004 requiring, *inter alia*, 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 items (1) and (2) set forth above.

As to item (1), petitioners have failed to establish that the 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).

The petition indicates that efforts to locate the non-signing inventor and present the non-signing inventor with a copy of the complete copy of the application papers (**specification, claims, drawings, and oath or declaration**) have been unsuccessful. Petitioners indicate that a skip trace performed in December of 2003 failed to yield results regarding the location of the non-signing inventor. It is also noted that petitioners have attempted to deliver the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address.

Where inability to reach or locate an inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor, and provide the non-signing inventor with a complete copy of the patent application (**specification, including claims, drawings, and oath or declaration).**

Petitioners are advised that a cursory review of the Lexis®.com EZFIND Combined Person Locator Nationwide database indicates Frank R. Tsai has more recently resided at the following address: **267 Eureka Court, Sunnyvale, CA 94085.**

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. Petitioner should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), the declaration submitted herewith is unacceptable as presented. The declaration fails to set forth the mailing address, residence, and citizenship of the non-signing inventor as required under 37 CFR 1.63 §§ (a)(3) and (c)(1). Furthermore, the declaration fails to set forth the

mailing address of inventor Michael D. McBroom and there is no indication that an application datasheet has been submitted in this application. *See*, 37 CFR 1.63(c)(1) and 37 CFR 1.76.

Any renewed petition must be accompanied by a proper executed oath or declaration in compliance with 37 CFR 1.63 and/or an application datasheet in accordance with 37 CFR 1.76.

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:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310. Telephone inquires after September 27, 2004 should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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LOS ANGELES, CA 90025-1030

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NOV 3 0 2004

OFFICE OF PETITIONS

In re Application of	:
Hillman, et al.	: DECISION GRANTING STATUS
Application No. 10/741,520	: UNDER 37 CFR 1.47(a)
Filed: December 19, 2003	:
Atty. Dkt. No.: 004860.P2667X8	:
For: COMPUTER CONTROLLED	:
DISPLAY DEVICE	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed November 1, 2004.

The petition is **GRANTED**.

Petitioner has shown that inventor Frank R. Tsai either cannot be reached or located to execute the declaration or has refused to sign the declaration after having been presented with the application papers.

Thus, 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 regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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AUG 3 0 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

In re Application of :
Watson, Joseph Eric :
Serial No.: 10/741,527 :
Filed: December 19, 2003 : DECISION ON PETITION
For: **DISC HOLDER FOR DISCS HAVING AN INTERIOR HOLE, AND METHOD OF USING THE DISC HOLDER** : *ACCEPTANCE OF PHOTOGRAPHS*

This is a decision on the petition under under 37 C.F.R. § 1.84(b) filed December 19, 2003, requesting acceptance of photographs.

A grantable petition under 37 C.F.R. §1.84(b) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, 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 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."

The specification does not include the above statement. Furthermore, there are no photographs of record in the application file.

Petitioner has not met the requirements set forth above. Accordingly, the petition is **Dismissed**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., include three (3) sets of color drawings, color photographs and a black and white photocopy of the same, as well as amending the specification to include the above statement.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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Ping-Pei Ho
200 Rector Place, #39B
New York NY 10280

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SEP 07 2005

OFFICE OF PETITIONS

Applicant: Ho
Appl. No.: 10/741,540
Filing Date: December 22, 2003
Title: POSITIONING DEVICES AND METHODS FOR IN VIVO WIRELESS IMAGING CAPSULES
Pub. No.: US 2005/0148842 A1
Pub. Date: July 7, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on July 21, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error as it includes the text and drawings from another of the inventor's applications.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." 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 Office did not make a material error in publishing the application. The application was published including the substitute specification submitted by applicant on September 21, 2004. If applicant inadvertently submitted the amendment filed on September 21, 2004 to the wrong application, he should submit an amendment to correct the record.

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:
1. Application number (**checked for accuracy**, including series code and serial no.).
2. Art Unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.

---

[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).

6. Confirmation number (see MPEP § 503).

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system 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 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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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of :
Charles Fredrick BRUCKER, et al :
Application No. 10/741,549 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. 146712016900 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 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 June 12, 2006. 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.

There are no pending Office actions at the present time.

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

April Wise
Petitions Examiner
Office of Petitions

cc: RAJ S. DAVE
DARBY & DARBY P.C.
1500 K STREET, N.W.
SUITE 250
WASHINGTON, D.C 20005-1714

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APR - 6 2004

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of :
Hans Petersen et al :
Serial No.: 10/741,553 : PETITION TO MAKE SPECIAL
Filed: December 19, 2003 :
Attorney Docket No.: 05432/100M029 :

This is in response to applicants' petition filed March 15, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

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

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded 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 at the general Office facsimile number, (703) 872-9306.

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

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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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MAY 5 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:
Candice Gardner	:
Serial No.: 10/741,562	: SUSPENSION OF ACTION
Filed: December 19, 2003	:
Attorney Docket No.: P06267US01	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicant requests that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicant's petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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Paper No.

PIONEER HI-BRED INTERNATIONAL, INC.
7250 NW 62ND AVENUE
PO BOX 552
JOHNSTON IA 50131-0552

COPY MAILED

SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
Candice Ann Cavanaugh Gardner :
Application No. 10/741,562 : ON PETITION
Filed: December 19, 2003 :
Atty Docket No. P06267US01 - :
PHI 1200EC :

This is a decision on the "PETITION TO WITHDRAW A TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.182" filed May 1, 2007, requesting that a second terminal disclaimer of patent No. 6,232,535 inadvertently filed in the instant application on February 15, 2007 be withdrawn as unnecessary.

The petition is **GRANTED**.

The terminal disclaimer filed on February 15, 2007, is hereby **WITHDRAWN**.

Petitioner argues that the second terminal disclaimer is unnecessary as a first terminal disclaimer was filed which overcame the rejection. The examiner states that the terminal disclaimer does not apply to any claim currently of record because it is unnecessary to overcome the obviousness double patenting (ODP) rejection. The examiner states that the terminal disclaimer to U.S. Patent No. 6,720,486 was required to overcome the ODP rejections. This first terminal disclaimer was filed by applicants and approved by the Office.

It should be noted that this decision is not a determination that the subject matter of the current claims is distinct from

the claims in the patents and/or applications to which the terminal disclaimer applied.

The requested petition fee of $400, not $130, has been charged to Deposit Account No. 26-0084, as authorized.

A Notice of Allowance has been issued in this application and the issue fee has been paid. The Office of Patent Publication has been advised of this decision. The application has, thereby, been forwarded to Publications for correction of PALM and file records consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

United States
Patent And
Trademark Office

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PETITION DECISION

04/02/04

Weingarten, Schurgin, Gagnebin & Lebovici LLP
Ten Post Office Square
Boston, MA 02109

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/741585 received on 01/23/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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David P. Wood
Delphi Technologies, Inc.
Legal Staff - M/C - 480-410-202
Post Office Box 5052
Troy, MI 48007-5052

COPY MAILED

JUL 16 2007

OFFICE OF PETITIONS

In re Application of:
Jens Brake, et al.
Application No.: 10/741,590
Filed: December 22, 2003
Atty's Docket No.: DP-309820

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed December 01, 2006.

The petition 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 mailed October 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on January 14, 2006.

On December 01, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue and publication fees. Although section 4b of the currently filed issue fee transmittal form did not have a check mark next to the deposit account number, applicant has authorized the charging of all necessary fees in the present petition. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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COMMISSIONER FOR PATENTS
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Paper No. None

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

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JUN 16 2006
OFFICE OF PETITIONS

In re Application of :
Soumitra S. Ghosh et al. :
Application No. 10/741,595 :
Filed: December 19, 2003 :
Patent No. 6,936,638 : DECISION ON PETITION
Issue Date: August 30, 2005 : UNDER 37 C.F.R. §1.182
Attorney Docket No. 66088.466 :
Title: LIGANDS OF ADENINE :
NUCLEOTIDE TRANSLOCASE (ANT) AND :
COMPOSITIONS AND METHODS RELATED :
THERETO :

This is a decision on the petition under 37 C.F.R. §1.182, filed December 8, 2005, to change the spelling of the name of an inventor.

Petitioner has set forth that the middle initial of one of the inventors should have been omitted. The name of inventor Liras, originally set forth as "Spiros J. Liras," is properly spelled "Spiros Liras." Petitioner has included a certificate of correction which contains the corrected information, the associated fee, and the petition fee.

Petitioner has included a declaration which has been executed by this inventor. The inventor has drawn a line through the middle initial. It is noted that this change has been initialed, but has not been dated. As such, this declaration fails to comply with 37 C.F.R. §1.63[1]. On renewed petition, Petitioner should submit an acceptable declaration, where the inventor has dated and initialed the change, or where this incorrect middle initial is omitted.

1 See 37 C.F.R. §1.52(c)(1) and MPEP 605.04(a).

Petitioner has also included an Application Data Sheet (ADS), which lists the pertinent inventor's middle initial, with a line drawn through the middle initial. On renewed petition, Petitioner should submit a new copy of the fifth page of the ADS, which does not contain this incorrect information.

Accordingly, the petition under 37 C.F.R. §1.182 is **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." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.

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701 FIFTH AVE
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SEATTLE WA 98104-7092

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OFFICE OF PETITIONS

In re Application of :
Soumitra S. Ghosh et al. :
Application No. 10/741,595 :
Filed: December 19, 2003 :
Patent No. 6,936,638 : DECISION ON PETITION
Issue Date: August 30, 2005 : UNDER 37 C.F.R. §1.182
Attorney Docket No. 66088.466 :
Title: LIGANDS OF ADENINE :
NUCLEOTIDE TRANSLOCASE (ANT) AND :
COMPOSITIONS AND METHODS RELATED :
THERETO :

This is a decision on the renewed petition under 37 C.F.R. §1.182, filed December 8, 2005, to change the spelling of the name of an inventor.

Petitioner has set forth that the middle initial of one of the inventors should have been omitted. The name of inventor Liras, originally set forth as "Spiros J. Liras," is properly spelled "Spiros Liras." Petitioner has included a certificate of correction which contains the corrected information, the associated fee, and the petition fee.

The original petition was submitted on December 8, 2005, and was dismissed via the mailing of a decision on June 16, 2006, for failure to provide an acceptable declaration and Application Data Sheet (ADS).

With the present petition, Petitioner has included an acceptable declaration and ADS. As such, the renewed petition is **GRANTED**.

The inventor previously listed as Spiros J. Liras will now be listed as Spiros Liras.

The Certificates of Correction Branch will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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PETER GEORGE DELANO
64 ALGONQUIN TRAIL
OAKLAND NJ 07436

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MAY 29 2007

OFFICE OF PETITIONS

In re Application of
Peter George Delano
Application No. 10/741,606
Filed: December 19, 2003
For: **ADAPTIVE UNIVERSAL DROP LIGHT HANGER SYSTEM**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed on May 18, 2007, to revive the above-identified application.

The petition is again **DISMISSED**.

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

This application became abandoned on September 20, 2005 for failure to file a proper response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed August 18, 2005 which set a period of the longer of one month or thirty days for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed May 4, 2006.[1]

Petitioner asserts unavoidable delay in filing a timely response to the August 18, 2005 Notice and bases the delay on his misunderstanding of the time periods set for reply in the Notice in addition to mitigating personal family issues.

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

[1] In response to the Notice mailed August 18, 2005, an amendment was filed September 26, 2005 without the benefit of an extension of time request and fee.

payment of the issue fee or any outstanding balance thereof;

(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3), above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 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

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. [3]

Since the amendment filed August 10, 2005 was in response to a non-Final Office Action mailed June 14,2005, the Notice of Non-Compliant Amendment (37 CFR 1.121) explicitly stated that a response was due within the longer of one month or 30 days.

Petitioner's explanation that the deadlines set in the office action were "unclear" is unacceptable as a basis for unavoidable delay under 37 CFR 1.137(a). A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable"delay. [4] Further, petitioner's explanation regarding the personal challenges regarding moving from Connecticut to New Jersey is a preoccupation that does not excuse timely responses to office action and the failure to do so cannot be seen as unavoidable delay. The argument that the move prevented the timely submission of a response to the office action is unacceptable as a basis for unavoidable delay under 37 CFR 1.137(a).

The showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. §.133 and 37 CFR 1.137(a).

It is understood that petitioner is a pro se applicant, but petitioner is still responsible for the proper prosecution of his application and therefore must be held accountable for his actions, or lack thereof, before the Office. There are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to prosecute the application before the Office.

As petitioner has presented no showing of unavoidable delay, the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b) [5],

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[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[4] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[5] 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

which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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38500 CHARDON ROAD
DEPT. DLBH
WILLOUGBY HILLS, OH 44094

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OFFICE OF PETITIONS

In re Application of :
Orton, et al. :
Application No. 10/741,618 : DECISION ON PETITION
Filed: December 19, 2003 :
For: RU 03-005 (RUT-30-5826) :

This is a decision on the petition under 37 CFR 1.137(a), filed September 16, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned June 29, 2005 for failure to timely submit a proper response to the Notice of Allowance and Issue Fee Due (Notice) mailed March 28, 2005. The Notice set a three month statutory period of time for reply. This decision precedes Notice of Abandonment.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(a). (See, MPEP 711.03(c) as relates to abandonment attributed to change of correspondence address.) Accordingly, the failure to timely submit a proper reply to the Office communication is accepted as having been unavoidably delayed.

This application is being forwarded to the Publications Division 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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WELLS ST. JOHN PS
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

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APR 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Alex Paterson	:	
Application No. 10/741,621	:	DECISION GRANTING PETITION
Filed: December 19, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. M122-2098	:	

This is a decision on the petition, filed April 4, 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 15, 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) 272-3218.

This matter is being referred to Technology Center AU 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\741621.wpd

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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), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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VP
PAPER NO. ___

AUG 25 2004

In re Application of
Jiten Chatterji et al.
Serial Number: 10/741,625
Filed: December 19, 2003
For: FOAMED FLY ASH CEMENT COMPOSITIONS AND METHODS OF CEMENTING

PETITION UNDER
M.P.E.P.708.02 IV

This is in response to the petition filed December 19, 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

CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN OK 73536-0440

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.
10/741,639	12/18/2003	Robert F. Buckman	212/547	4062

7590 07/14/2008

Crockett & Crockett
Suite 400
24012 Calle De Le Plata
Laguna Hills, CA 92653

EXAMINER	
LINDSEY, RODNEY M	
ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No. BUCKMAN ET AL.
Issue Date: March 28, 2006
Appl No.: 10/741,639
Filed: December 18, 2003
For: Air Bag Inflation Device

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed May 23, 2006 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Gary L. Welch
Supervisory Patent Examiner
Art Unit 3765
Technology Center 3700

Crockett & Crockett
Suite 400
24012 Calle De Le Plata
Laguna Hills, CA 92653

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222 EAST 41ST ST
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
Jeffery W. Kelly, et al.	:	
Application No.: 10/741,649	:	ON PETITION
Filed: December 19, 2003	:	
Attorney Docket No.: 017886-0002-999	:	

This is a decision on the petition, filed January 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 June 5, 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 1626 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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KUNZLER & MCKENZIE
8 EAST BROADWAY SUITE 600
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of	:	
Haas et al.	:	
Application No. 10/741,661	:	DECISION ON PETITION
Filed: December 19, 2003	:	
Attorney Docket No. DE920020017	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notification of Non-Compliant Appeal Brief (Notice) mailed August 14, 2007, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 15, 2007. A Notice of Abandonment was mailed June 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amended Appeal Brief and required fee of $510.00; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

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

The file is now being forwarded to Technology Center 3652 for processing of the amended Appeal Brief filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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12400 WILSHIRE BOULEVARD
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LOS ANGELES CA 90025-1030

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OCT 27 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION ACCORDING STATUS
Kim, Jue, and White	:	UNDER 37 CFR 1.47(a)
Application No. 10/741,671	:	
Filed: 19 December, 2003	:	
Attorney Docket No. 4860P2667X1	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 7 October, 2004.

The petition is **GRANTED**.

The above-identified application was filed on 19 December, 2003, without an executed oath or declaration. Accordingly, on 6 April, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration as well as a surcharge for its late filing and replacement drawings in compliance with 37 CFR 1.84 and 1.121.

In response, on 7 October, 2004 (certificate of mailing 5 October, 2004), petitioners filed the present petition, along with the surcharge and petition fee and a four (4) month extension of time, corrected drawings, and a declaration naming Michael D. Hillman, Frank Tsai, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Clifford Jue, and Bryan Thomas White as joint inventors and signed by all inventors except Tsai on behalf of themselves and joint inventor Tsai.

Petitioners have shown that the non-signing inventor cannot be found. Specifically, petitioners have shown, via the declaration of registered patent attorney J. Scott Heileson, that a copy of the application was sent to the non-signing inventor at his last

known address but was reported as undeliverable by the USPS. A copy of the application has also been sent to a previous address given by the non-signing inventor, but the declaration was not returned. As such, despite diligent efforts to contact Tsai, the non-signing inventor could not be located.

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

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 renewed petition, not the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of
Varanese, et al.
Application No. 10/741,679
Filed: December 19, 2003
Docket No.: 22988/04118

: DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 24, 2005 for failure to timely reply to the non-final Office action mailed September 23, 2005. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed April 19, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 1700 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

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SAN JOSE, CA 95172-1120

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APR 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Michael Ward Johnson et al :
Application No. 10/741,681 : DECISION ON PETITION
Filed: December 19, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. NVIDP339/P001324 : 37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed February 17, 2006, to make the above-identified application special based on actual infringements set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringingdevice or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

This matter is being referred to Technology Center Art Unit 2182 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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PALO ALTO CA 94304-1018

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OFFICE OF PETITIONS

In re Application of :
Dina et al. :
Application No. 10/741,720 : ON APPLICATION FOR
Filed: December 18, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. 377882003300 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705, filed September 24, 2009. Applicants submit that the patent term adjustment to be indicated on the patent is eight hundred eighty-eight (888) days, not zero (0) days, as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

In addition, applicants dispute a period of reduction associated with the filing of a complete response to the April 5, 2004 Notice to File Missing Parts of Nonprovisional Application.

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

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

determination on the correctness of the patent term adjustment until the patent has issued.

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

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

To the extent that applicants otherwise request correction of the initial determination of patent term adjustment (PTA), the application for patent term adjustment is **GRANTED to the extent indicated herein.**

While the patent term adjustment at the time of mailing of the notice of allowance remains zero (0) days, the PTA calculations for the application have been updated to reflect the period of adjustment pursuant to 37 CFR 1.704(c)(7) of 543, rather than

---

[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.

504, with respect to the filing of a complete response to the April 5, 2004 Notice to File Missing Parts of Nonprovisional Application.

On June 25, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment is 0 days. On September 24, 2009, applicants submitted the instant request for reconsideration of patent term. Applicants dispute the reduction of 504 days associated with filing a complete reply to the April 5, 2004 Notice to File Missing Parts of Nonprovisional Application.

On April 5, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application that required applicants to submit an executed oath or declaration, a surcharge for its late filing, and a sequence listing. On May 27, 2004 applicants filed a response.

On July 28, 2004, the Office mailed a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, notifying applicants that the application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. Applicants were required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation disc.

On September 3, 2004, applicants filed a preliminary amendment.

On June 20, 2005, the Office mailed a second Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, notifying applicants that the application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. Applicants were required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation disc.

On August 19, 2005, applicants filed a substitute sequence listing.

On September 21, 2005, the Office mailed a third Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure, notifying applicants that the CRF does not comply with the requirements of 37 CFR 1.822 and/or 1.823 and requiring applicants to provide a substitute CRF of the sequence listing and a statement that the content of the sequence listing information recorded in the CRF is identical to the written (on paper or CD) sequence listing, and that it contains no new matter.

On November 21, 2005 applicants filed a substitute CRF, a statement that the content of the sequence listing information recorded in the CRF is identical to the written sequence listing and that it contains no new matter.

Applicants argue that they did not fail to engage in reasonable efforts to conclude processing or examination because applicants responded to each notice mailed within three months of the mail date of each notice.

In this instance, applicants failed to engage in reasonable efforts to conclude processing of the application by failing to completely reply to the original April 5, 2004 Notice within the three-month period provided for in 37 CFR 1.704(b). Applicants filed a partial response on May 27, 2004. Applicants did not file a complete response until November 21, 2005. It is applicants' responsibility to file complete responses to Office actions/Notices. The subsequently mailed Notices to Comply did not set forth new requirements. They merely pointed out that applicants had failed to file a proper response to the April 5, 2004 Notice.

Accordingly, the period of adjustment should have been reduced by 543 days pursuant to 37 CFR 1.704(c)(7), counting the number of days beginning on the day after the date the initial reply was filed, May 28, 2004, and ending on the date that a complete response was filed, November 21, 2005. Accordingly, a period of reduction of 504 days will be removed and a period of reduction of 543 days will be entered.

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance remains zero (0) days, but applicant delay has been increased from a total of 746 days to 785 days.

Pursuant to applicants' authorization, the $200.00 fee set forth in 37 CFR 1.18(e) will be charged to deposit account no. 03-1952. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this decision should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 5/10/2010

PALM INTRANET

Time: 09:10:05

PTA Calculations for Application: 10/741720			
Application Filing Date:	12/18/2003	PTO Delay (PTO):	493
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	746
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-39		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
101	05/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		39	
88	06/25/2009	MAIL NOTICE OF ALLOWANCE			
87	06/23/2009	ISSUE REVISION COMPLETED			
86	06/23/2009	DOCUMENT VERIFICATION			
85	06/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
84	06/23/2009	CASE DOCKETED TO EXAMINER IN GAU			
82	06/22/2009	NOTICE OF ALLOWABILITY			
79	04/24/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
78	04/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
77	04/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		1	73
76	04/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
75	04/23/2009	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
74	05/09/2009	DATE FORWARDED TO EXAMINER			
73	04/23/2009	RESPONSE AFTER NON-FINAL ACTION		31	67
72	04/23/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
71	04/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
70	04/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
69	03/20/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
		EXAMINER INTERVIEW SUMMARY RECORD			

68	03/17/2009	(PTOL - 413)			
67	12/23/2008	MAIL NON-FINAL REJECTION			
66	12/22/2008	NON-FINAL REJECTION			
65	09/16/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
64	09/26/2008	DATE FORWARDED TO EXAMINER			
63	09/16/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
62	09/26/2008	DATE FORWARDED TO EXAMINER			
61	09/16/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
60	09/26/2008	DISPOSAL FOR A RCE / CPA / R129			
59	09/16/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	09/16/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
57	06/16/2008	MAIL FINAL REJECTION (PTOL - 326)			
56	06/09/2008	FINAL REJECTION			
55	03/31/2008	DATE FORWARDED TO EXAMINER			
54	03/11/2008	RESPONSE AFTER NON-FINAL ACTION		91	52
53	03/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
52	09/11/2007	MAIL NON-FINAL REJECTION			
51	09/04/2007	NON-FINAL REJECTION			
50	02/05/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	06/04/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
48	06/17/2007	DATE FORWARDED TO EXAMINER			
47	06/04/2007	RESPONSE AFTER NON-FINAL ACTION		119	40
46	06/13/2007	ERROR(S) IN CRF CORRECTED BY STIC			
45	05/03/2007	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
44	02/05/2007	REFERENCE CAPTURE ON IDS			
43.7	02/05/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	02/05/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	02/05/2007	MISCELLANEOUS INCOMING LETTER			
41	02/26/2007	DATE FORWARDED TO EXAMINER			
40.1	02/05/2007	INFORMAL OR NON-RESPONSIVE AMENDMENT			

		AFTER EXAMINER ACTION			
40	02/05/2007	RESPONSE AFTER NON-FINAL ACTION			
39	11/06/2006	MAIL NON-FINAL REJECTION			
38	10/30/2006	NON-FINAL REJECTION			
37	03/02/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	08/01/2006	DATE FORWARDED TO EXAMINER			
35	07/18/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
34	06/26/2006	MAIL RESTRICTION REQUIREMENT	493		-1
33	06/21/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
32	01/18/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
31	11/21/2005	PRELIMINARY AMENDMENT			
30	08/19/2005	PRELIMINARY AMENDMENT			
29	03/02/2005	REFERENCE CAPTURE ON IDS			
28.7	03/02/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	03/02/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	09/03/2004	PRELIMINARY AMENDMENT			
26	05/27/2004	PRELIMINARY AMENDMENT			
25	01/18/2006	CASE DOCKETED TO EXAMINER IN GAU			
24	12/07/2005	APPLICATION DISPATCHED FROM OIPE			
23	12/07/2005	APPLICATION IS NOW COMPLETE			
22	11/21/2005	ADDITIONAL APPLICATION FILING FEES		504	5
21	11/21/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
20	12/02/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
19	09/21/2005	SEQUENCE ERRORS			
18	08/19/2005	ADDITIONAL APPLICATION FILING FEES			
17	08/19/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
16	08/19/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
15	08/30/2005	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
14	07/05/2005	CORRESPONDENCE ADDRESS CHANGE			
13	06/20/2005	SEQUENCE ERRORS			

12	08/31/2004	ADDITIONAL APPLICATION FILING FEES			
11	07/28/2004	SEQUENCE ERRORS			
7	05/25/2004	ADDITIONAL APPLICATION FILING FEES			
6	05/25/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	04/05/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	02/20/2004	CASE CLASSIFIED BY OIPE			
3	02/20/2004	CLEARED BY OIPE CSR			
2	01/14/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/18/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Brian Gerard Goodman, et al. :
Application No. 10/741,723 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. TUC920030180US1 :

This is a decision in response to the petition, filed February 6, 2007, and the supplement thereto filed March 2, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

It is noted that the petition is not signed by an attorney or agent of record; however, in accordance with 37 CFR 1.34(a), the signature of Jennifer M. Anda appearing on the communications shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 14, 2006. A Notice of Abandonment was mailed on January 25, 2007.

The petition, as supplemented, 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 $1,500.00; and (3) an adequate statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

The application is being referred to Technology Center AU 2162 for consideration of the amendment filed March 2, 2007.

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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JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Satoshi Umemura, et al. :
Application No. 10/741,726 : DECISION GRANTING PETITION
Filed: December 18, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5095-4081 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 17, 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 December 15, 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 regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 3744 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy for

Frances M. 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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

In re application of:
Arman Glodjo et al.
Application No. 10/741,735 : **DECISION ON REQUEST**
Filed: December 18, 2003 : **FOR WITHDRAWAL OF**
For: GLOBAL ELECTRONIC TRADING SYSTEM : **ATTORNEY**

This is a decision on the request filed on June 14, 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).

As to condition A), the attorney signing the request does not have power of attorney in this application. There is no record of power of attorney ever being given to the attorney making the request. The declaration filed on January 30, 2004 does not include a power of attorney for the requesting attorney, Jeffrey Brill. Further, no separate paper conferring power of attorney to the attorney(s) making the request has been filed.

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866

KJD/vdb: 7/12/04

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Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

In re application of : **DECISION ON PETITION**
Arman Glodjo et al. : **TO MAKE SPECIAL**
Application No. 10/741,735 : **(ACCELERATED**
Filed: December 18, 2003 : **EXAMINATION)**
For: GLOBAL ELECTRONIC TRADING SYSTEM

This is in response to the petition filed on January 30, 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(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/rwg: 10/14/04

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Commissioner for Patents
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OFFICE OF PETITIONS

FERRELLS, PLLC
P.O. BOX 312
CLIFTON VA 20124-1706

In re Application of :
Carrie A. Feeney et al :
Application No. 10/741,741 : DECISION GRANTING PETITION
Filed: December 19, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. IM-03-2 (NE) :

This is a decision on the petition, filed January 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 instant nonprovisional application is the subject of an application filed in an eighteen month publication country on July 27, 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 September 13, 2007, accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 1714.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/741,741	12/19/2003	Carrie A. Feeney	IM-03-2 (NE)

CONFIRMATION NO. 5509

40256
FERRELLS, PLLC
P. O. BOX 312
CLIFTON, VA 20124-1706

Date Mailed: 06/06/2007

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 09/13/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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Paper No. _____

Date : April 1, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Jie Yu
Application No. :10/741,785
Filed :December 19, 2003

The above-identified application has been assigned Patent No. 6,879,461 and an issue date of April 12, 2005.

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

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of April 12, 2005:

"All reference to Patent No. 6,879,461 to Jie Yu of California for DISK DRIVE MODIFYING ESTIMATED SEEK TIMES FOR A ROTATIONAL POSITION OPTIMIZATION ALGORITHM BASED ON CHANGE IN ESTIMATED SEEK TIME PARAMETER appearing in the Official Gazette of April 12, 2005 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038)
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

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WESTERN DIGITAL TECHNOLOGIES, INC.
20511 LAKE FOREST DR. -c205
LAKE FOREST CA 92630

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APR 0 1 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jie Yu :
Application No. 10/741,785 :
Filed: December 19, 2003 :
Attorney Docket No. K35A1414 :

This is a decision on the petition, filed March 31, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on February 22, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2651 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

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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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MAY 31 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:	
Chapko et al.	:	
Serial No.: 10/741,792	:	SUSPENSION OF ACTION
Filed: December 19, 2003	:	
Attorney Docket No.: P06247US01-PHI 1369	:	

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicants' request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicants request that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicants' petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201-2784

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of
Susan Pittman Dark
Application No. 10/741,798
Filed: December 19, 2003
Attorney Docket No.
58895/P001C1/10316486

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed March 19, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **DEEP NINES, INC.**
14643 Dallas Parkway, Suite 150
Dallas, TX 75254

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2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of
Susan Pittman Dark
Application No. 10/741,798
Filed: December 19, 2003
Attorney Docket No. 58895/P001C1/10316486

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Thomas Kelton 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 Susan P. Dark at the address indicated below.

A Notice of Appeal have been filed on May 3, 2010 that requires the filing of an Appeal Brief by the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **SUSAN P. DARK**
16007 CHALFONT CIRCLE
DALLAS, TX 75248

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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
10/741,798	12/19/2003	Susan Pittman Dark	58895/P001C1/10316486

CONFIRMATION NO. 5599

POWER OF ATTORNEY NOTICE

29053
FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

OC000000041814005

Date Mailed: 05/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2010.

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

/tsjohnson/

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

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APR 20 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:
Lori Carrigan	:
Serial No.: 10/741,807	: SUSPENSION OF ACTION
Filed: December 19, 2003	:
Attorney Docket No.: P06266US01	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicant requests that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicant's petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

George C Elliott

George Elliott
Director, Technology Center 1600

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Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of :
Baxter et al. :
Application No. 10/741,808 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 884.B82US1 :

This is a decision on the petition labeled "PETITION UNDER § 1.182" filed June 4, 2004, which appears to be requesting, in effect, that the "Notice Of Omitted Item(s)" mailed June 4, 2004, be withdrawn to the extent that it states that Figure 3A is missing.

On April 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 19, 2003, and advising applicants that Figure 3A described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that Figure 3A was not missing. Instead, the application included an unlabeled figure which is the Figure described in the specification.

It is obvious from the petition that no drawings were actually missing on December 19,. 2003. However, the "Notice Of Omitted Item(s)" mailed KEYBOARD(), was correct in stating that Figure 3A described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1]

Accordingly, the petition must be **dismissed**.

Since the present petition was not necessitated by any error on the part of the Office, the $130 petition fee will not be refunded.

Best Available Copy

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[1] Attention is directed to MPEP 601.01(g) which reads in part:

The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all the drawing figure(s) referred to in the specification, and the application [is entitled to a filing date], OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers . . . are lacking some of the figures of drawings described in the specification.

Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

In the future, petitioner should make certain when reviewing the application prior to filing that all figures of drawings are correctly labeled and described in the brief description and elsewhere in the specification. If a Notice of Omitted Items is mailed because a drawing is unlabeled or mislabeled, petitioner may amend the specification to properly label the drawings and a petition is NOT necessary.[2]

A formal, preliminary amendment correcting the drawing should be filed.

The original application papers will include only those application papers present on the date of deposit.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 19, 2003, using the application papers filed on that date.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

---

[2] New, properly labeled drawings may be entered by an examiner without petition so long as the new drawings contain no new matter. See MPEP 608.02(a).

The Notice of Omitted Items gave petitioner three options:

(1) File a petition (with fee) and evidence establishing the missing drawing(s) were application submitted to the PTO.
(2) File a petition, petition fee, the drawings, and request a filing date as of the date that the petition and missing Figure(s) are submitted.
(3) Accept the application as deposited.

Petitioner apparently has chosen option (3). When an applicant wishes to amend the specification (by relabeling figures or otherwise) then a formal amendment must be filed rather than a petition.

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ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

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AUG 0 4 2008

In re Application of :
Frederic ROELENS :
Application No. 10/741,821 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 02-MGE-349 :

This is a decision on:

(1) the petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application; and

(2) the petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

These two petitions were filed concurrently on January 22, 2008,

The petition under 37 C.F.R. 1.181 is **DISMISSED**, and the petition to revive under 37 C.F.R. 1.137(b) is **GRANTED.**

This application was held abandoned for failure to timely pay the issue and publication fees on or before December 21, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 21, 2007. Accordingly, the date of abandonment of this application is December 22, 2007.

Withdraw the Holding of Abandonment

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

Petitioner suggest that the Notice dated September 21, 2007, was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. In this regard, there is no indication that a search was conducted of practitioner's full records on the present application, including any file jacket or the equivalent. A statement is required that such an extensive search was performed. *See* MPEP § 711.03(c), I, A.

Furthermore, Petitioner does provide a copy of the docket report for the current case. However, the showing required must include a statement from the practitioner describing the docketing system and indicating that the docketing system is sufficiently reliable. *See* MPEP § 711.03(c), I, A. The petition does describe general office practices, but does not describe the docketing system or establish its reliability.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of Allowance and Issue Fees Due, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

Revive, Unintentional Delay

Since the revival of the application under 137(b) was considered, a petition fee is required for this petition. In particular, a fee of $1540.00 is required for the petition under 37 CFR 1.137(b). Petitioner has given authorization to charge the issue and publication fees to Deposit Account 50-1556 as well as any other required fee. Accordingly, the petition fee under 37 CFR 1.137(b) and the publication and issue fees will be charged.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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

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

Christopher Bottorff

for Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FLEIT GIBBONS GUTMAN
BONGINI & BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of :
Frederic ROELENS :
Application No. 10/741,821 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 02-MGE-349 :

This is a decision on the renewed petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application filed on August 27, 2008.

The petition under 37 C.F.R. 1.181 is **DISMISSED as moot**, in view of the petition to revive under 37 C.F.R. 1.137(b) filed January 22, 2008, which was **GRANTED.**

With respect to the request to vacate the petition decision mailed on August 4, 2008 and to refund the previously paid petition fees, the request is dismissed.

The petition decision will not be vacated and the fee will not be refunded because the petition fee is required under 37 C.F.R. 1.137(b) to revive the unintentionally abandoned application.

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

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

Thurman Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091105

DATE : May 23, 2008

TO SPE OF : ART UNIT 2823

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:

The references sought to be entered should be entered as they were presented and considered in the IDS of May 27, 2007. As to the correction of the reference number, the examiner approves the change therein.

/MATTHEW SMITH/
Supervisory Patent Examiner.Art Unit 2823

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 20 2006

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:
Russell Fox	:
Serial No.: 10/741,832	: SUSPENSION OF ACTION
Filed: December 19, 2003	:
Attorney Docket No.: P06271US01	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed March 30, 2006.

A review of the file history shows that this is an unexamined application. Applicant requests that action on this application be suspended for six months in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee.

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicant's petition requests suspension in view of the fact that the claims in this case are substantially similar to claims in cases currently on appeal with the same Assignee. No indication is given as to when these cases were filed, their status or approximate date of decision or resolution, nor how any decision would affect prosecution or patentability in this application. Also, in the instant case, no issues have as yet been developed and the issues ultimately developed may not be the same as those at the Board of Appeals. Further, it is not the general practice of the Office to suspend prosecution in unexamined applications except in extraordinary circumstances. None have been set forth in the petition. In summary, no showing of good or sufficient cause has been made.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for initial examination in turn.

Should there be any questions with respect to this action, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

George C Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SAMUEL K. SIMPSON
GREENBERG, TRAURIG, LLP
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CALIFORNIA 90404

MAILED

JAN 1 8 2005

Technology Center 2100

In re Application of: Fritz, et al.
Application No. 10/741,838
Filed: December 19, 2003
For: SYSTEM AND METHOD FOR PREVENTING AUTOMATED PROGRAMS IN A NETWORK

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

This is a response to the petition filed July 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.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **petitioner will be notified and the defects in the request will be stated**. The application will remain in the status of a new application awaiting action in its regular turn. In

those instances where a request is defective in one or more respects, petitioner will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

The petition filed July 30, 2004 fails to adequately meet requirements (c) and (e) of the criteria set forth above.

With respect to requirement (c), Petitioners have only stated that a search was conducted by a professional searcher. However, Petitioners have not submitted a complete 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.

With respect to requirement (e), a complete detailed discussion of the aforementioned most closely related references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). Petitioner's submission is deficient in that it merely paraphrases the disclosure and/or abstracts of each reference (as in the discussion of U. S. Patent 4,964,163, which recites the abstract) accompanied by a statement that the reference does not include certain features of the claimed invention. However, the listed features correspond to all limitations in most of the independent claims. Furthermore, the scope of claim 111 appears to differ from the other independent claims ("restricting" vs. "diminishing"). The limitations of claim 111 do not appear to have been discussed. That is, the submission does not satisfy the requirement, as it does not provide a ***detailed discussion*** of the references and it does not point out how the ***claimed subject matter is patentable over the references***. Petitioner should ensure that the above discussion is directed to how the language of ***each of*** the independent claims is specifically distinguishable and patentable from the references provided in requirement (d) above.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

HMJ: 01/14/2005

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MAY 31 2005

Technology Center 2100

THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA. 90404

In re Application of: FRITZ Et Al.
Application No. 10/741,838
Filed: December 19, 2003
For: SYSTEM AND METHOD FOR PREVENTING AUTOMATED PROGRAMS IN A NETWORK

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed March 18, 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **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 been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

5/24/05

JC

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WESTERN DIGITAL TECHNOLOGIES, INC.
ATTN: RENEE QUICK
20511 LAKE FOREST DR.
E-118H
LAKE FOREST CA 92630

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Kroum S. Stoev, et al.	:	
Application No. 10/741,856	:	DECISION GRANTING PETITION
Filed: December 19, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. R1810	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 07/17/2007, 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 June 19, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Cleaz for

Frances M. 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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Paper No. 15

STALLMAN & POLLOCK LLP
353 SACRAMENTO STREET
SUITE 2200
SAN FRANCISCO, CA 94111

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JUL 2 3 2007

OFFICE OF PETITIONS

In re Application of
Zhou, et al.
Application No.: 10/260,481
Filed: September 30, 2002
Attorney Docket No: ZEIS-2029

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed March 27, 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 file timely and proper response to the Notice of Allowance and Issue Fee Due mailed March 22, 2004, which set a statutory period for reply of three months from its mailing date. A response was not received within the allowable period and the application became abandoned on June 23, 2004. A Notice of Abandonment was mailed on August 18, 2004. A petition to withdraw the holding of abandonment under 37 CFR 1.181 was filed on August 23, 2004, and dismissed by a decision mailed January 19, 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 (1) above.

As to item (1) above, the Issue Fee Transmittal, Form PTOL-85B did not accompany the petition papers. It is noted that petitioner states that petitioner did not have a copy of the Issue Fee Transmittal to file with the petition. A copy of the form is enclosed for petitioner's convenience. The completed Form PTOL 85-b must accompany the renewed petition.

The issue fee payment was received on March 27, 2006. It is noted that the Notice of Allowance and Issue Fee Due also required payment of the publication fee in the amount of $300.00. This payment, or an authorization to charge a deposit account for the same, must also accompany the renewed petition. 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 decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure—Form PTOL-85b--Copy

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 03/22/2004

ATTN: Michael H. Jester
THE LAW OFFICES OF MICHAEL H. JESTER
SYMPHONY TOWERS, SUITE 2560
750 B STREET
SAN DIEGO, CA 92101

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

Certificate of Mailing or Transmission

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

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/260,481	09/30/2002	Qienyuan Zhou	2880-029	4499

TITLE OF INVENTION: METHOD AND SYSTEM FOR REMOVING THE EFFECTS OF CORNEAL BIREFRINGENCE FROM A POLARIMETRIC IMAGE OF THE RETINA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$665	$300	$965	06/22/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
SANDERS JR, JOHN R	3737	351-215000

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

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

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

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ❑ individual ❑ corporation or other private group entity ❑ government

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

❑ Issue Fee

❑ Publication Fee

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s):

❑ A check in the amount of the fee(s) is enclosed.

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

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

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) (Date)

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

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

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

TRANSMIT THIS FORM WITH FEE(S)

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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Brenda Pomerance
Law Office of Brenda Pomerance
260 West 52 Street
Suite 27B
New York, NY 10019

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AUG 2 5 2004
OFFICE OF PETITIONS

In re Application of	:	
Christopher Keith	:	
Application No. 10/741,874	:	DECISION ON PETITIONS
Filed: December 19, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0505-4022	:	AND UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 25, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition lacks item (1) noted above.

The instant application was filed on December 19, 2003 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title. However, the amendment is not acceptable since the application number referred to in the specification does not contain, at least, one common inventor as required.

In order to accept the late claim for priority, petitioner must submit an amendment to the first sentence of the specification that refers to an application that contains one common inventor.

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

U. S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop PETITIONS
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

Telephone inquiries should be directed to the Marianne Jenkins at (703) 306-3475.[1]

Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Effective September 27, 2004, the phone number will be (571) 272-3223

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-07-09

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/741915** Patent No.: 7445507

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. 173

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: _____

/renee s luebke/
Renee Luebke
SPE

2833
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Troy W. Wingler	: DECISION ON REQUEST FOR
Patent Number	: 7637904	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/741,918	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

In re Patent No. 7,637,904 :
Issue Date: December 29, 2009 :
Application No. 10/741,918 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 10922/48 :

This is a decision on the Petition To Correct Assignee Under 37 C.F.R. 3.81(b) And Request For Certificate Of Correction, filed April 1, 2010, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to add a second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the omission of the second assignee's name on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

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

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

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(h), were submitted with the Petition. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content at Item (73) on the Form PTO/SB/44 that accompanied the present petition.

However, petitioner requests several corrections to be made In The Claims. Therefore, these corrections will be handled directly in the Certificate of Correction Branch.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,637,904.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/03/06

TO SPE OF : ART UNIT 3746

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/741924 Patent No.: 6997686

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. 183

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

3746
Art Unit

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OFFICE OF PETITIONS

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

In re Application of :
Marco, et al. :
Application No. 10/741,927 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. 559162000400 : 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 12, 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 Thomas E. Clotti on behalf of all attorneys of record who are associated with customer No. 25226.

All attorneys/agents associated with the Customer Number 25226 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).

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DORON MARCO
LEVIN KIPNIS STREET
NO. 3, THE MASHTELA PROJECT
TEL AVIV, ISRAEL

cc: DR. TUVIA D. KUTSCHWE
D-CROWN LTD
3 HABARZAL STREET
RAMAT HACHAYAL
TEL-AVIV 69710
ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/741,927	12/19/2003	Doron Marco	559162000400

CONFIRMATION NO. 4812

OC000000020661510

OC000000020661510

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 10/02/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/12/2006.

- 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
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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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
10/741,932	12/18/2003	1756	878	12844.0060US01	12	26	3

CONFIRMATION NO. 6033

UPDATED FILING RECEIPT

OC000000012498416

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 04/30/2004

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)

Hiroshi Kumano, Kyoto-shi, JAPAN;
Yuuichi Mikata, Ibaraki, JAPAN;

Assignment For Published Patent Application

ROHM CO., LTD., Kyoto-shi, JAPAN;
TOSHIBA CORPORATION, Minato-ku, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2002-372859 12/24/2002

If Required, Foreign Filing License Granted: 04/01/2004

Projected Publication Date: 08/12/2004

Non-Publication Request: No

Early Publication Request: No

Title

Mask and method for producing thereof and a semiconductor device using the same

Preliminary Class

430

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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LOS ANGELES CA 90025-1030

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Livio Ricciulli	:	
Application No. 10/741,947	:	DECISION GRANTING PETITION
Filed: December 19, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 6859P001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2005, 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 required drawings and 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 of March 1, 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 the Office of Initial Patent Examination.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Mail Date: 04/21/2010

Applicant	: Sadhna Ahuja	: DECISION ON REQUEST FOR
Patent Number	: 7609640	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/741,965	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Rochester, NY 14644

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OFFICE OF PETITIONS

In re Application of :
Eric Peeters :
Application No. 10/741,980 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. D/A3599 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 2004, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

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

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of
Michael D. Berg, et al.
Application No. 10/741,998
Filed: December 19, 2003
Attorney Docket No. H0006339 8364/91044/1300

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 3, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned at midnight on January 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620.00; 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) 272-3213.

This application is being referred to Technology Center AU 3653 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.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Paul M. Vargo
120 South Riverside Plaza
Suite 2200
Chicago, IL 60606-3912

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

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OFFICE OF PETITIONS

In re Application of :
Anandraj Sengupta et al. :
Application No. 10/742,035 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 136039-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 23, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2624 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. 136039-1

In Re Application Of: **Anandraj Sengupta et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/742,035	12/19/2003	Claire X. Wang	23413	2624	5457

Invention: **SYSTEM AND METHOD FOR SHADOW IMAGING**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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 response to a notice or action by the 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 extension 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. ☒ A proposed reply to the above-identified notice or action:

   ☒ is enclosed. ☐ was filed on _____

   The proposed reply is in the form of: **Request for Continued Examination**

2. ☐ The issue fee:

   ☐ is enclosed. ☐ was paid on _____

3. ☐ The abandoned application was a:

   ☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. 136039-1

In Re Application Of: **Anandraj Sengupta et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/742,035	12/19/2003	Claire X. Wang	23413	2624	5457

Invention: **SYSTEM AND METHOD FOR SHADOW IMAGING**

Calculation and Payment of Fees

Enclosed are the following fees:

6. ☒	Petition fee under 37 CFR 1.17(m) in the amount of:	$1,540.00
7. ☐	Fee for reply in the amount of:	
8. ☐	Issue fee in the amount of:	
9. ☐	Continuing application filing fee in the amount of:	
10. ☐	Terminal disclaimer fee in the amount of:	
11. ☐	_____	
	Total fees enclosed:	$1,540.00

The fee of $1,540 is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 061130

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

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)	Docket No. 136039-1

In Re Application Of: **Anandraj Sengupta et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/742,035	12/19/2003	Claire X. Wang	23413	2624	5457

Invention: **SYSTEM AND METHOD FOR SHADOW IMAGING**

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 appliation 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, petitioner/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

Dated: **September 12, 2008**

Pamela J. Curbelo
Registration No. 34,676
CantorColburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37

_____.

(Date)

Signature of Person Mailing Correspondence

Darlene Kennedy via Electronic Filing

Typed or Printed Name of Person Mailing Correspondence

cc:

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of
Massimo Castaglia
Application No. 10/742,040
Filed: December 19, 2003
Attorney Docket No. 376956-003US(368532)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed April 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on August 9, 2005, for failure to submit within three months, a proper and timely response to the final Office action mailed on May 6, 2005. Accordingly, a Notice of Abandonment was mailed January 17, 2006.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3636 for processing of the RCE and submission.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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TIBERIU WEISZ, ESQ.
GOTTLIEB, RACKMAN & REISMAN, P.C.
270 MADISON AVENUE
NEW YORK, NY 10016-0601

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NOV 23 2004

OFFICE OF PETITIONS

In re Application of :
Mark N. Hochman :
Application No. 10/742,053 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 3486-031 :

This is a decision on the papers filed August 5, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 18, 2003, including four (4) sheets of drawings.

The application was submitted on December 18, 2003. However, on July 28, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on August 5, 2004, the instant petition was submitted. Petitioner argues that four (4) sheets of drawings were filed on December 18, 2003. In support, the instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "Drawings-4 pgs." on December 18, 2003. A review of the application file indicates the presence of zero (0) sheets of drawings filed on December 18, 2003. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee has not been charged.

This application will be returned to OIPE for further processing with a filing date of December 18, 2003, using the four (4) sheets of drawings, supplied on August 5, 2004.

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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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.
10/742,055	12/18/2003	Hans Artmann	10191/3505	5868

26646 7590 12/09/2009

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
NGUYEN, THANH T	

ART UNIT	PAPER NUMBER
2893	

MAIL DATE	DELIVERY MODE
12/09/2009	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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Gerard A. Messina
KENYON & KENYON LLP
One Broadway
New York, NY 10004

In re Application of:
ARTMANN *et al.*
Serial No.: 10/742,055
Filed: December 18, 2003
Attorney Docket No.: 10191/3505

DECISION *SUA SPONTE*
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Board of Patent Appeals and Interferences Decision on Appeal was mailed on July 1, 2009, setting a two-month period for filing a request for rehearing pursuant to 37 CFR §41.52 or commencing civil action, as recited in 37 CFR § 1.304. In the apparent failure to receive a response, the application was held abandoned and a Notice of Abandonment was mailed on October 13, 2009.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that although the Board affirmed the final rejection of claim 18, claims 1, 3, 5-6, and 9-10 stand allowed. According to MPEP 1214.06, as there was no further response from the Appellant, claim 18 should have been cancelled and the application should have been passed to issue with claims 1, 3, 5-6, and 9-10 being allowed. Thus, the application is not abandoned in fact.

Accordingly, the case will be returned to the Examiner for appropriate action consistent with this decision.

Inquiries regarding this decision should be directed to Davienne Monbleau, Supervisory Patent Examiner of Art Unit 2893, at (571) 272-1945.

Gladys Corcoran, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Clifford B. Perry
132 N. El Camino Real, #347
Encinitas, CA 92024-2801

MAILED

MAY 12 2005

Technology Center 2100

In re Application of: Durso, et al.
Application No. 10/742,068
Filed: December 18, 2003
For: SECURE DIGITAL TRANSMITTER AND METHOD OF OPERATION

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 December 18, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism. The status inquiry, filed December 8, 2004, is acknowledged.

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 is generally directed to a secure transmitter having an encryption module and coded frequency and method of processing data for secure transmission. The specification is directed to systems and methods for transmitting data, and more specifically to systems and methods for reliably transmitting secure data in multi-path

environments using frequency techniques.

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**. The application will be returned to the examiner's docket to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

5/6/05

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AUG 0 5 2004

TECHNOLOGY CENTER 3600

T.H.P. Richardson
1055 Trinity Drive
Menlo Park, CA 94025

In re application of
John H. McGinn
Application No. 10/742,076
Filed: December 19, 2003
For: SEDIMENT CONTROL

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on December 19, 2003 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/vdb: 7/29/04

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AUG 05 2004

TECHNOLOGY CENTER 3600

T.H.P. Richardson
1055 Trinity Drive
Menlo Park, CA 94025

In re application of
John H. McGinn
Application No. 10/742,076
Filed: December 19, 2003
For: SEDIMENT CONTROL

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on December 19, 2003 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/vdb: 7/29/04

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/01/06

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/742102 Patent No 6950738

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: _____

SPE 3661 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Paper No.

Applicant : Kelly, Michael C. et al.
Appl No.: 10/742,105
Filed: December 18, 2003

DECISION GRANTING PETITION UNDER *37 CFR 1.84*

This decision is in response to the petition filed December 18, 2003 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 35 [*sic*, 37] C.F.R. 1.84(a)(2).

The petition states that color drawings of Figures 1-10 are necessary in order to completely and accurately represent the invention.

The petition complies with 37 C.F.R. 1.84(a)(2) in that it was accompanied by (1) the appropriate fee and (2) three sets of color drawings. The specification further includes the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on December 18, 2003 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2) and the petition is GRANTED.

Marc Hoff
Supervisory Patent Examiner, Art Unit 2857
Technology Center 2800

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS , TX 75202

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. None

INLIGHT SOLUTIONS, INC.
800 BRADBURY, SE
ALBUQUERQUE NM 87106

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MAR 2 2 2007

OFFICE OF PETITIONS

In re Application of :
Marwood Neal Ediger et al. :
Application No. 10/742,110 :
Filing Date: December 19, 2003 :
Attorney Docket No.: P0112.US1 :
Title: DETERMINATION OF DISEASE :
STATE USING RAMAN SPECTROSCOPY :
OF TISSUE :

DECISION ON PETITION
UNDER 37 C.F.R. §1.78(A)(3)

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(3), filed November 21, 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 C.F.R. §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 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. §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 C.F.R. 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 above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference prior-filed provisional application 60/515,343. 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)).

Before the petition under 37 C.F.R. § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 C.F.R. §§1.76(b)(5) and 1.121) to correct the above matters are required.

Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 C.F.R. §1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R. §1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 C.F.R. §1.33(b).

Any reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.78(a)(3)." This is not a final agency action within the meaning of 5 U.S.C §704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].
It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner's representative 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's representative. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner's representative will not receive future correspondence related to this application unless Change of Correspondence Address, Patent

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's representative's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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 Senior Attorney Paul Shanoski at (571) 272-3225.

Ira Lazarus
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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Paper No.

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OCT 0 1 2007

OFFICE OF PETITIONS

V. Gerald Grafe
P.O. Box 2689
Corrales NM 87048

In re Application of :
Marwood Neal Ediger et al. :
Application No. 10/742,110 : DECISION ON RENEWED PETITION
Filing Date: December 19, 2003 : UNDER 37 C.F.R. § 1.78(A)(3)
Attorney Docket No.: P0112.US1 :
Title: DETERMINATION OF DISEASE :
STATE USING RAMAN SPECTROSCOPY :
OF TISSUE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed April 9, 2007 to accept an unintentionally delayed claim pursuant to 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 change of correspondence address has been entered and made of record.

An original petition was filed on November 21, 2006 and was dismissed via the mailing of a decision on March 22, 2007.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 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 C.F.R. § 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. §§ 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 Senior Attorney Paul Shanoski at (571) 272-3225. 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 3737 for consideration by the examiner of applicant's entitlement

to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Nancy Johnson
Senior Attorney
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
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/742,110	12/19/2003	3737	1338	P0112.US1	42	5

CONFIRMATION NO. 6052

V. Gerald Grafe
P.O. Box 2689
Corrales, NM 87048

CORRECTED FILING RECEIPT

OC000000026080688

Date Mailed: 09/28/2007

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

Applicant(s)

Marwood Neal Ediger, Albuquerque, NM;
Craig M. Gardner, Arlington, MA;
Edward L. Hull, Fairport, NY;

Power of Attorney:

Victor Grafe--42599

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/515,343 10/28/2003
and claims benefit of 60/517,418 11/04/2003
and is a CIP of 10/116,272 04/04/2002 PAT 7,043,288

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/742,110

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Determination of disease state using Raman Spectroscopy of tissue

Preliminary Class

600

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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OFFICE OF PETITIONS

INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

In re Application of :
O'Dougherty, et al. :
Application No. 10/742,125 :
Filed: December 19, 2003 :
Atty Docket No. 2771-522-CIP2 :

DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the PETITION UNDER 37 CFR 1.181 FOR REVIEW AND CORRECTION OF PATENT TERM ADJUSTMENT PURSUANT TO 35 U.S.C. 154(b) IN U.S. PATENT APPLICATION NO. 10.742,125, filed November 3, 2009. Applicants request that the initial determination under 35 USC 154(b) be corrected from four hundred ninety-seven (497) days to five hundred sixty-three (563) days.

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

On October 7, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 497 days. On November 3, 2009, applicants timely[1] submitted an application for patent term adjustment (with required fee). Applicants assert that the USPTO failed to add the number of days in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed in this application under 35 U.S.C. 134 and § 1.191 and the issuance of a decision by the Board of Patent Appeals and Interferences reversing an adverse determination of patentability by the examiner in a related application.

Applicants' arguments have been considered, but not found persuasive. There was no Office delay, within the meaning of 35

[1] PALM records indicate that the Issue Fee payment was received on November 3, 2009.

U.S.C. 154(b)(1)(C)(iii)which provides that if the issue of an original patent is delayed due to appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

37 CFR 1.702(e) states (in pertinent part):

> Delays caused by successful appellate review. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to review by the Board of Patent Appeals and Interferences under 35 U.S.C. 134 or by a Federal court under 35 U.S.C. 141 or 145, if the patent was issued under a decision in the review reversing an adverse determination of patentability….

37 CFR 1.703(e) provides,

> The period of adjustment under § 1.702(e) is the sum of the number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145.

Applicants are incorrect in calculating a period of adjustment for Office delay from the date of filing of a notice of appeal in this application to the date of issuance of a decision by the Board of Patent Appeals and Interferences reversing an adverse determination of patentability by the examiner in a related application. The Board did **not** issue a decision in this application. Applicants do not carry forward adjustments in a continuing application from prior application. See 37 CFR 1.704(c)(11).

In this instance, the examiner issued a Notice of Allowance on October 7, 2009, four months and 8 days after a Notice of Appeal was filed. The Notice of Appeal was a proper reply to the final Office action of January 29, 2009. The examiner reconsidered the entire record, including all prior art references in the application, and mailed an examiner's amendment that ultimately placed the application in condition for allowance. A Notice of Allowance was mailed four months and 8 days after applicants' proper reply was filed. Therefore, there was an 8 day Office delay pursuant to 37 CFR 1.703(a)(3).

The determination of patent term adjustment at the time of the mailing of the Notice of Allowance of 497 days is correct.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. Any further period of adjustment accrued pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be reflected in the patent term adjustment shown on the issue notification letter mailed approximately three weeks prior to the issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Day : Wednesday

PALM INTRANET

Date: 3/10/2010
Time: 13:46:58

PTA Calculations for Application: 10/742125			
Application Filing Date:	12/19/2003	PTO Delay (PTO):	621
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	124
Post-Issue Petitions:	0	Total PTA (days):	497
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
88	10/07/2009	MAIL NOTICE OF ALLOWANCE	8		80
87	10/07/2009	ISSUE REVISION COMPLETED			
86	10/07/2009	DOCUMENT VERIFICATION			
85	10/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
84	09/09/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
83	09/12/2009	EXAMINER'S AMENDMENT COMMUNICATION			
82	09/12/2009	NOTICE OF ALLOWABILITY			
80	05/29/2009	NOTICE OF APPEAL FILED		30	78
79	05/29/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
78	01/29/2009	MAIL FINAL REJECTION (PTOL - 326)			
77	01/27/2009	FINAL REJECTION			
76	09/03/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
75	09/03/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
74	11/26/2008	DATE FORWARDED TO EXAMINER			
73	10/27/2008	RESPONSE AFTER NON-FINAL ACTION		24	70
72	10/27/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
71	09/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
70	07/03/2008	MAIL NON-FINAL REJECTION			
69	07/02/2008	NON-FINAL REJECTION			
68	04/30/2008	DATE FORWARDED TO EXAMINER			
67	03/24/2008	RESPONSE AFTER NON-FINAL ACTION		37	64

66	03/24/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
65	12/11/2007	CORRESPONDENCE ADDRESS CHANGE			
64	11/16/2007	MAIL NON-FINAL REJECTION			
63	11/13/2007	NON-FINAL REJECTION			
62	08/10/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
61	10/04/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	10/04/2007	REFERENCE CAPTURE ON IDS			
58	10/04/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
57	10/04/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	08/29/2007	DATE FORWARDED TO EXAMINER			
55	08/24/2007	RCE- AF PROCESSED			
54	08/29/2007	DATE FORWARDED TO EXAMINER			
53	08/24/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
52	08/29/2007	DISPOSAL FOR A RCE / CPA / R129			
51	08/24/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
50	08/10/2007	REFERENCE CAPTURE ON IDS			
49	08/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	07/25/2007	MAIL NON-FINAL REJECTION			
47	07/23/2007	NON-FINAL REJECTION			
46	07/21/2007	DATE FORWARDED TO EXAMINER			
45	07/18/2007	AMENDMENT AFTER FINAL REJECTION			
44	05/18/2007	MAIL FINAL REJECTION (PTOL - 326)			
43	05/14/2007	FINAL REJECTION			
42	11/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	02/02/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	02/02/2007	REFERENCE CAPTURE ON IDS			
39.7	02/02/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	02/02/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	03/13/2007	CORRESPONDENCE ADDRESS CHANGE			

37	03/13/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
36	03/09/2007	PARALEGAL TD ACCEPTED			
35	02/26/2007	TERMINAL DISCLAIMER FILED			
34	02/27/2007	TERMINAL DISCLAIMER FEE PAID			
33	03/08/2007	DATE FORWARDED TO EXAMINER			
32	02/27/2007	RESPONSE AFTER NON-FINAL ACTION		33	28
31	02/27/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	11/20/2006	REFERENCE CAPTURE ON IDS			
29.7	11/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	11/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/25/2006	MAIL NON-FINAL REJECTION	613		-1
27	09/18/2006	NON-FINAL REJECTION			
26	03/29/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	07/15/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	05/05/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	05/05/2006	REFERENCE CAPTURE ON IDS			
22.7	05/05/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	05/05/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	07/15/2005	REFERENCE CAPTURE ON IDS			
20.7	07/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	07/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	02/02/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	02/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	03/29/2004	REFERENCE CAPTURE ON IDS			
16.7	03/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	03/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	07/23/2004	TRANSFER INQUIRY TO GAU			

14	05/24/2004	APPLICATION RETURN FROM OIPE			
13	05/24/2004	APPLICATION RETURN TO OIPE			
12	05/24/2004	APPLICATION RETURN FROM OIPE			
11	05/24/2004	APPLICATION IS NOW COMPLETE			
10	05/24/2004	APPLICATION RETURN TO OIPE			
9	05/24/2004	APPLICATION DISPATCHED FROM OIPE			
8	05/24/2004	APPLICATION IS NOW COMPLETE			
7	05/14/2004	ADDITIONAL APPLICATION FILING FEES			
6	05/14/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	04/02/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	02/21/2004	CLEARED BY OIPE CSR			
3	02/21/2004	CASE CLASSIFIED BY OIPE			
2	01/20/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/19/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTE CALCULATION

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OFFICE OF PETITIONS

RAPHAEL SCHLANGER
128 HULDA HILL ROAD
WILTON, CT 06897

In re Application of
Raphael Schlanger
Application No. 10/742,127
Filed: December 19, 2003
Attorney Docket No. 03-100

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 16, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before April 11, 2006. A Notice of Abandonment was mailed on September 11, 2006. On October 16, 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 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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

CAMPBELL, STEPHENSON & ASCOLESE LLP
4807 SPICEWOOD SPRINGS RD
BLDG. 4, SUITE 201
AUSTIN, TX 78759

In re Application of: Panchbudhe et al.
Application No. 10/742,128
Filed: December 19, 2003
For: PERFORMANCE OF OPERATION ON SELECTED DATA IN A STORAGE AREA

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P.§708.02(VIII)

This is a decision on the petition filed September 1, 2004 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

1/29/04

MBS

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RICHARD C. KIM
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	:	
Schmidtler et al.	:	DECISION ON PETITION
Application No. 10/742,131	:	TO WITHDRAW
Filed: December 19, 2003	:	FROM RECORD
Attorney Docket No. KFX1P006	:	

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 11, 2005.

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

A review of the file record indicates that on July10, 2006 the power of attorney was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Zilka-Kotab, PC
P.O. Box 721120
San Jose CA 95172-1120

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Paper No.

Lester J. Vincent
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

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OFFICE OF PETITIONS

In re Application of :
Thomas Ying and :
Peter Cudmore :
Application No. 10/742,150 :
Filed: December 18, 2003 :
Title: METHOD OF AND APPARATUS FOR :
RECOVERING A REFERENCE CLOCK :
Attorney Docket No. 6770P007 :

DECISION REFUSING STATUS
UNDER 37 C.F.R. § 1.47(a)

This is in response to the "PETITION UNDER 37 C.F.R. § 1.47(a)," filed September 2, 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 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 December 18, 2003, with an unexecuted declaration. Accordingly, on April 1, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition; the late surcharge under § 1.16(e); along with a declaration executed by inventor Thomas Man Yin Ying on behalf of himself and on behalf of non-signing inventor Peter Wayne Cudmore. This response was made timely by an accompanying petition (and fee) for extension of time for response within the fourth month. Applicant asserts that status under § 1.47(a) is proper because joint inventor Cudmore refuses to join in an application for patent or cannot be found after diligent effort.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, 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 requirement (1).

By declaration of patent attorney John Robinson, petitioner details attempts to contact inventor Cudmore by sending the declaration and power of attorney to the company he believed to be inventor Cudmore's employer and to inventor Cudmore's last known address. The company responded that the inventor no longer worked there and they did not have a forwarding email address. The attempts shown to locate or reach inventor Cudmore arenot sufficient to show diligent effort. There is no indication that Rule 47 applicant attempted to determine the inventors' forwarding addresses from a postal service or through public records, and to send the application papers to any address obtained for consideration by inventor Cudmore. See MPEP 409.03(d).

If further attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicants should submit documentary evidence such as the results of any E-mail or Internet searches.

Of course, if inventor Cudmore is located, then a showing of presentation to him of the entire application package, including specification, claims and drawings, and his subsequent refusal is required for status under § 1.47(a).

Alternatively, petitioner has not shown that, by his conduct in failing to reply to the request to sign the declaration, inventor Cudmore has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate 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. See MPEP 409.03(d). The evidence only supports a conclusion that attempts to present the declaration and assignment papers to inventor Cudmore were made. 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. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

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 FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, **other than the USPS**, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related 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.

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

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OFFICE OF PETITIONS

In re Patent No. 7,432,237	:	DECISION ON REQUEST
Yao et al.	:	FOR
Issue Date: October 7, 2008	:	RECONSIDERATION OF
Application No. 10/742,161	:	PATENT TERM ADJUSTMENT
Filed: December 18, 2003	:	and
Atty Docket No. 2617-US-CNT2	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 9, 2008[1], which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by an unspecified amount "under both 35 USC 154(b)(1)(A) and (B) as decreed by the ruling in *Wyeth v. Jon W. Dudas.*"

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **eight hundred three (803)** days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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

[1] Made timely by certificate of mailing dated (Monday) December 8, 2008.

given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred three (803)** days.

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 DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,432,237 B2

DATED : **October 7, 2008** **DRAFT**

INVENTOR(S) : Yao 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 429 days

Delete the phrase "by 429 days" and insert – by 803 days--

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Texas Instruments Incorporated
P. O. Box 655474
M/S 3999
Dallas, TX 75265

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Ramesh M. Chandrasekaran :
Application No. 10/742,183 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. TI-36397 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit the issue fee.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue and publication fees; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to the Publishing Division to be processed into a patent.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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MARC ASCOLESE
CAMPBELL STEPHENSON ASCOLESE, LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

MAILED

AUG 2 4 2004

Technology Center 2100

In re Application of: Ryu et al.
Application No. 10/742,221
Filed: December 19, 2003
For: SYSTEM AND METHOD FOR SELECTING THIRD PARTY COPY DEVICES IN STORAGE NETWORK ENVIRONMENTS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on April 30, 2004.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

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(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
703-308-0885

BLJ: 8/18/04

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

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DEC 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Subhankar Chatterjee, et al. :
Application No. 10/742,230 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. C-481B CIP :

This is a decision on the petition, filed May 17, 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 the non-final Office action mailed September 8, 2005. A Notice of Abandonment was mailed on March 17, 2006. On February 8, 2006, petitioner submitted the present petition, an amendment and a petition for extension of time.

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) the required statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $1,020 extension fees are being credited to counsel's deposit account.

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 forwarded to Technology Center AU 1773 for consideration of the amendment filed May 17, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MORGAN & FINNEGAN
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Donald L. Deubler Jr. :
Application No. 10/742,238 : DECISION ON PETITION
Filed: December 18, 2003 : TO WITHDRAW
Attorney Docket No. 4555-4007 : 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 20, 2006.

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

A review of the file record indicates that the power of attorney to customer No. 27123 has been revoked by the assignee of the patent application on April 14, 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 applicants.

This application is being referred to Technology Center AU 2617 to await a reply to the non-final Office action mailed March 27, 2006.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/742,238	12/18/2003	Donald L. Deubler JR.	4555-4007

CONFIRMATION NO. 5883

OC000000019029536

27123
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

Date Mailed: 05/31/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

WAN LAYMON
OP (571) 272-3220

FORMER ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/742,238	12/18/2003	Donald L. Deubler JR.	4555-4007

CONFIRMATION NO. 5883

OC000000019029581

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025

Date Mailed: 05/31/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Wan Laymon

WAN LAYMON
OP (571) 272-3220

ATTORNEY/APPLICANT COPY

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VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

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OFFICE OF PETITIONS

In re Application of	:	
Kompella et al.	:	
Application No. 10/742,239	:	ON PETITION
Filed: December 18, 2003	:	
Attorney Docket No. 137794-US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed May 24, 2004, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from OLIVER HU to WENAO HU.

This matter is being referred to Technology Center 2100 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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OFFICE OF PETITIONS

In re Application of :
DEUBLER :
Application No. 10/742,244 : DECISION ON PETITION
Filed: December 18, 2003 : TO WITHDRAW
Attorney Docket No. 4555-4000 : 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 20, 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 Mark J. Abate on behalf of all attorneys of record who are associated with customer No. 27123. All attorneys/agents associated with the Customer Number 27123 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 Donald L. Deubler Jr. at the address indicated below.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DONALD L. DEUBLER JR.**
1670 SOUTH ALEXIS COURT
LAKE FOREST, IL 60045

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MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Ste. 700
Palo Alto, Ca. 94306

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AUG 0 2 2007

OFFICE OF PETITIONS

Applicant: Ostendorp
Appl. No.: 10/742,249
Filing Date: July 30, 2003
U.S. Patent No.: 6,971,898
Issue Date: December 6, 2005
Title: APPARATUS AND METHOD FOR ELECTRICALLY AND MECHANICALLY CONNECTING AND DISCONNECTING A POWER LINE
Attorney Docket No.: 60825-331-US
Pub. No.: US 2005/0130465 A1
Pub. Date: June 16, 2005

This is in response to the "Request for Corrected or Revised Patent Application Publication under 37 CFR 1.221(b)," which was received on August 8, 2005, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." 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]

Since the application has already issued as U.S. Patent No. 6,971,898 on December 6, 2005, the request is deemed moot.

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

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

[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).

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FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Scott E. Petersen	: DECISION ON REQUEST FOR
Patent Number	: 7573487	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,257	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Pet. Dec.

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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	10/742,263
Filing Date	December 18,2003
First Named Inventor	Wang et al.
Art Unit	1734
Examiner Name	Unknown
Attorney Docket Number	POLY.1.US

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

Approved
JMStone
Jacqueline M. Stone, Director
Technology Center 1700
5/9/05

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 [ ]

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.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: [ ]

OR

☑ Firm or Individual Name	Mr. Harold V. Stotland				
Address	Seyfarth Shaw LLP 55 East Monroe Street Suite 4200				
City	Chicago	State	IL	Zip	60603-5803
Country	USA				
Telephone	312-346-8000			Fax	312-739-6986
Signature					
Name	Ashok K. Janah			Registration No.	37,497
Date	October 20,2004			Telephone No.	415-538-1555

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of :
MAHAJAN, Satayan et al. :
Application No. 10/742,264 :
Filed: December 22, 2003 :
Attorney Docket No. **2004854-0001** :

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 27, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 John Lanza on behalf of all attorneys of record who are associated with customer No. 24280. All attorneys/agents associated with the Customer Number 24280 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 Satayan Mahahan at the address indicated below. There is an outstanding Office action mailed November 16, 2009 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: **SATAYAN MAHAJAN**
MOTUS CORPORATION
585 MASSACHUSETTS AVE., 4TH FLOOR
CAMBRIDGE MA 02139

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SOUTHPARK TOWERS
SUITE 530
6100 FAIRVIEW ROAD
CHARLOTTE, NC 28210

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OFFICE OF PETITIONS

In re Application of	:	
Van H. Brown	:	DECISION DISMISSING
Application No. 10/742,268	:	PETITION
Filed: December 19, 2003	:	
Attorney Docket No. 116/2	:	

This is a decision on the petition filed May 7, 2004, requesting that the above-identified application be accorded a filing date of December 18, 2003, rather than the presently accorded filing date of December 19, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 18, 2003, pursuant to the requirements of 37 CFR 1.10.

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

In this case, the copy of the Express Mail label supplied with the petition shows a typed "date-in" of December 18, 2003 which does not appear to be supplied by a USPS employee. Further, all

other spaces on the label that are normally filled in by a USPS employee are completely blank. The petition should submit a copy of the Express Mail label completed by a USPS employee. Additionally, a request of the USPS's restoration information for Track/Confirm Express Mail label No. ER419457544US reveals that the package in question was accepted and enroute on December 19, 2003 (copy attached).

In view of the above, the petition is dismissed. No fee is required and none has been charged.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

This matter is being referred to Technology Center AU 3644.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Track/Confirm Sheet

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Date Mailed : February 12, 2007

Patent No. :7,097,880
Inventor :Steven Bruc Dawes, et al
Patent Issued :August 29, 2006
Docket No. :SP03-175

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.

Inspection of the application for the patent reveals, however, that in connection with the alleged error pertaining to col. 6, line 45, claim 1, of which applicant has referred; the Letters Patent with respect to applicants request is in accordance with the records of the Patent and Trademark Office.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

Randall S. Wayland
Corning Incorporated
SP-TI3-1
Corning, NY

CBN/arg

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NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of :
Glines, et al. :
Application No. 10/742,280 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 10177-242-999 :
For: DEVICES AND METHODS FOR THE DELIVERY AND INJECTION OF THERAPEUTIC AND DIAGNOSTIC AGENTS TO A TARGET SITE WITHIN A BODY

This is a decision on the petition filed April 22, 2004, requesting, in effect, withdrawal of a Notice mailed April 9, 2004.

The application was filed on December 18, 2003. However, on April 9, 2004, The Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Nonprovisional Application" (Notice) stating that the application had been accorded a filing date of December 18, 2003, and advising applicants that figures 11A-C and 14A-B appeared to have been omitted.

In response, the present petition was filed. Petitioners argue that the omitted drawings submitted with the petition should be included with the papers filed on December 18, 2003, because (1) they are not new matter and (2) they were originally filed in prior application No. 09/552,401, the entire disclosure of which was incorporated by reference into the present application at the time of the present application's filing.

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 items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the USPTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioners neither assert that the missing drawings were actually deposited in the USPTO on December 18, 2003 with the other application papers nor request a later filing date.

Instead, applicants seek to add the figures to the present application on the basis that the figures are not new matter. However, no petition is necessary for that purpose. Additional figures may be

entered by the primary examiner without a petition so long as the pages contain no new matter. See MPEP § 608.02(a).

MPEP 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. (emphasis supplied)

If applicants desire that figures 11A-C and 14A-B be added to the application, the appropriate procedure is by way of amendment requesting the entry of the figures. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

Accordingly, the petition is inappropriate and is subject to dismissal. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 18, 2003. Drawing figures 11A-C and 14A-B will **not** be processed at this time.

Thereafter, the application will be forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

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
www.uspto.gov

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland, MI 48641-1967

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JAN 09 2008

OFFICE OF PETITIONS

In re Application of :
Robert P. Dion, et. al. :
Application No. 10/742,290 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 62049A :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 22, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed July 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $1,440 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Norman L. Sims
The Dow Chemical Company
2040 Dow Center
Midland, MI 48674

OIPE JC17
OCT 18 2004
PATENT & TRADEMARK OFFICE

FILE COPY

Atty Doc. No. 767.0015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION EXAMINING OPERATIONS

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
10-20-04

In re the Application of Meidong Yang and Gordon J. Dow	:	Group Art Unit: 1751
Serial No. 10/742,321	:	Examiner:
Filed: December 19, 2003	:	Tel. No.
For a Patent for SKIN AND HAIR CLEANSERS CONTAINING SULFUR	:	Date: October 15, 2004

PETITION TO MAKE SPECIAL AND ACCOMPANYING STATEMENT UNDER 37 C.F.R. §1.102(d) AND MPEP 708.02(II)

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

Dear Sir:

Applicants hereby petitions to make this application special and to advance examination of the application in accordance with 37 C.F.R §1.102(d) on the ground of actual infringement of the claimed invention. In support of this petition, the undersigned attorney for Applicant states the following:

A. There is a product actually on the market that infringes some or all of the claims of the application;

10/19/2004 HALI11 00000040 10742321
01 FC:1460 130.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Jean Lienard et al :
Application No. 10/742,340 : DECISION GRANTING PETITION
Filed: December 19, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 14XZ121711 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2005, 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 executed 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 of April 2, 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 the Office of Initial Patent Examination.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ratner & Presia/ SB division
PO Box 980
Valley Forge, PA 19482

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MAY 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,419,824	:	
Thonnard	:	DECISION UPON REMAND AND
Issue Date: September 2, 2008	:	RECONSIDERATION OF
Application No. 10/742,345	:	PATENT TERM ADJUSTMENT
Filed: December 19, 2003	:	AND NOTICE OF INTENT
Attorney Docket No. GSKB-104US1	:	TO ISSUE CERTIFICATE OF
Title: BASB006Polypetides from	:	CORRECTION
Neissera Menigitidis and	:	
Immunogenic Compositions		
Thereof		

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by nine hundred sixty-four (964) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred sixty-four (964) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,419,824 B2

DATED : **September 2, 2008** **DRAFT**

INVENTOR(S) : Thonnard

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 458 days

Delete the phrase "by 458 days" and insert – by 964 days--

Day : Tuesday
Date: 5/18/2010

PALM INTRANET

Time: 10:35:59

PTA Calculations for Application: 10/742345			
Application Filing Date:	12/19/2003	PTO Delay (PTO):	623
Issue Date of Patent:	09/02/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	165
Post-Issue Petitions:	0	Total PTA (days):	964
PTO Delay Adjustment:	506		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	05/18/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	506		
59.5	08/13/2008	PTA 36 MONTHS	117		
59	09/02/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
58	07/29/2008	EXPORT TO FINAL DATA CAPTURE			
57	07/28/2008	DISPATCH TO FDC			
56	07/28/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
55	07/25/2008	ISSUE FEE PAYMENT VERIFIED			
54	07/25/2008	ISSUE FEE PAYMENT RECEIVED			
53	05/29/2008	FINISHED INITIAL DATA CAPTURE			
52	05/12/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
51	04/28/2008	EXPORT TO INITIAL DATA CAPTURE			
50	04/25/2008	MAIL NOTICE OF ALLOWANCE			
49	04/24/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	04/24/2008	NOTICE OF ALLOWABILITY			
45	03/18/2008	DATE FORWARDED TO EXAMINER			
44	02/26/2008	RESPONSE AFTER NON-FINAL ACTION			
43	12/12/2007	MAIL NON-FINAL REJECTION			
42	12/10/2007	NON-FINAL REJECTION			
40	11/16/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
39	11/08/2007	CORRESPONDENCE ADDRESS CHANGE			
38	10/03/2007	DATE FORWARDED TO EXAMINER			
37	09/26/2007	RESPONSE AFTER NON-FINAL ACTION		95	35
36	09/26/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			

35	03/23/2007	MAIL NON-FINAL REJECTION			
34	03/19/2007	NON-FINAL REJECTION			
33	12/19/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	12/19/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	01/10/2007	DATE FORWARDED TO EXAMINER			
30	12/19/2006	RESPONSE TO ELECTION / RESTRICTION FILED		70	23
29	12/19/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	12/19/2006	REFERENCE CAPTURE ON IDS			
27.7	12/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	12/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	08/08/2006	CORRESPONDENCE ADDRESS CHANGE			
25	08/09/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
24.7	12/19/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	12/19/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	07/10/2006	MAIL RESTRICTION REQUIREMENT	506		-1
22	07/06/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
21	12/01/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
20	04/23/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	04/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
18	04/02/2004	APPLICATION RETURN FROM OIPE			
17	04/02/2004	APPLICATION IS NOW COMPLETE			
16	04/02/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
15	04/02/2004	APPLICATION RETURN TO OIPE			
14	04/02/2004	APPLICATION RETURN FROM OIPE			
13	04/02/2004	APPLICATION RETURN TO OIPE			
12	04/01/2004	APPLICATION RETURN FROM OIPE			
11	04/02/2004	APPLICATION IS NOW COMPLETE			
10	04/01/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
9	04/01/2004	APPLICATION RETURN TO OIPE			
8	04/01/2004	APPLICATION DISPATCHED FROM OIPE			

7	04/01/2004	APPLICATION IS NOW COMPLETE			
6	02/20/2004	CLEARED BY OIPE CSR			
5	02/20/2004	CASE CLASSIFIED BY OIPE			
4	01/12/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	01/08/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	12/19/2003	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	12/19/2003	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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12400 WILSHIRE BOULEVARD
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LOS ANGELES CA 90025-1030

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OCT 26 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION REFUSING STATUS
Kim, Jue, Barber, Sun, and Westwood	:	UNDER 37 CFR 1.47(a)
Application No. 10/742,364	:	
Filed: 19 December, 2003	:	
Atty Dkt No. 004860.P2667X5	:	

This is in response to the petition filed under 37 CFR 1.47(a)[1] on 6 July, 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.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 19 December, 2003, with a declaration naming Michael D. Hillman, Frank Tsai, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Cliff Jue, Theodore W. Barber, Rickson Sun, and Don Westwood as joint inventors and signed by all inventors except Tsai on behalf of

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance since one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly, the petition will be treated as a petition under 37 CFR 1.47(a).

themselves and joint inventor Tsai. Accordingly, on 2 April, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Application, requiring, *inter alia*, Tsai's signature on the oath or declaration and a surcharge for its late filing. A two (2)-month period for reply was set.

In response, on 6 July, 2004 (certificate of mailing 1 July, 2004), petitioners filed the present petition, accompanied by a one (1) month extension of time.

Petitioners assert that counsel contacted the inventor by email and requested his mailing address. A copy of the application was sent to the non-signing inventor at two addresses on several occasions. On one occasion the application was delivered. A copy sent to the last known address of the non-signing inventor was reported as undeliverable by the USPS.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, 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;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

With regard to item (2), the declaration present with the present petition is defective in that it lacks the residence and mailing address of non-signing inventor Tsai. The oath or declaration must identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor.[2] Further, a statement of the inventor's citizenship is a statutory requirement and cannot be waived.[3] Petitioners must submit a new oath or declaration in compliance with 37 CFR 1.63 and 1.67,

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[2]37 CFR 1.63(c).

[3]35 U.S.C. § 115, MPEP 605.01.

signed by all of the signing inventors on behalf of themselves and the non-signing inventor.

In accepting the petition, the Office is construing the declaration of registered patent attorney J. Scott Heilson filed with the present petition to mean that attorney Heilson has personal knowledge that a copy of the application papers was sent to the last known address of the non-signing inventor. Petitioners **must** inform the Office if this is an incorrect interpretation.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street, S.
Customer Window, Mail Stop Petitions
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LOS ANGELES CA 90025-1030

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION ACCORDING STATUS
Kim, Jue, Barber, Sun, and Westwood	:	UNDER 37 CFR 1.47(a)
Application No. 10/742,364	:	
Filed: 19 December, 2003	:	
Atty Dkt No. 004860.P2667X5	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a)[1] on 10 December, 2004.

The petition is **GRANTED**.

Petitioners have shown that non-signing inventor Tsai could not be reached. Specifically, petitioners have shown, via the declaration of registered patent attorney J. Scott Heileson, that a copy of the application was sent to the non-signing inventor on three occasions, and that searches were made to determine a current address for the non-signing inventor. Despite diligent efforts, however, the non-signing inventor could not be found to sign the declaration naming him as a joint inventor along with Michael D. Hillman, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Cliff Jue, Theodore W. Barber, Rickson Sun, and Don Westwood.

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.

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance since one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly, the petition will be treated as a petition under 37 CFR 1.47(a).

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 referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW 01-05

Frank Tsai
267 Eureka Ct.
Sunnyvale CA 94085

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of
Hillman et al.
Application No. 10/742,364
Filed: 19 December, 2003
For: Computer Controlled Display Device

Dear Mr. Tsai:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
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SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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LOS ANGELES CA 90025-1030

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AUG 1 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION REFUSING STATUS
Kim, Jue, Cheng, Kaplan, Sun, and	:	UNDER 37 CFR 1.47(a)
Yurchenco	:	
Application No. 10/742,378	:	
Filed: 19 December, 2003	:	
Atty Dkt No. 004860.P2667X6	:	

This is in response to the petition filed under 37 CFR 1.47(a)[1] on 7 July, 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.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 19 December, 2003, with a declaration naming Michael D. Hillman, Frank Tsai, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Cliff Jue, Larry Cheng, Jon Kaplan, Richson Sun, and James R. Yurchenco as

[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance since one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly, the petition will be treated as a petition under 37 CFR 1.47(a).

joint inventors and signed by all inventors except Tsai on behalf of themselves and joint inventor Tsai. Accordingly, on 2 April, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Application, requiring, *inter alia*, Tsai's signature on the oath or declaration and a surcharge for its late filing. A two (2)-month period for reply was set.

In response, on 7 July, 2004 (certificate of mailing 1 July, 2004), petitioners filed the present petition, accompanied by a one (1) month extension of time.

Petitioners assert that counsel contacted the inventor by email and requested his mailing address. A copy of the application was sent to the non-signing inventor on several occasions. The most recent mailing was returned as delivery refused. Furthermore, an Internet search did not reveal any addresses for the non-signing inventor.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, 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;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (2).

With regard to item (2), the declaration present with the present petition is defective in that it lacks the residence and mailing address of non-signing inventor Tsai. The oath or declaration must identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor.[2] Further, a statement of the inventor's citizenship is a statutory requirement and cannot be waived.[3] Petitioners must submit a new

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[2] 37 CFR 1.63(c).

[3] 35 U.S.C. § 115, MPEP 605.01.

oath or declaration in compliance with 37 CFR 1.63 and 1.67, signed by all of the signing inventors on behalf of themselves and the non-signing inventor.

Furthermore, the declaration is defective because it contains non-initialed and/or non-dated alterations.[4] Specifically, there is an uninitialed and/or undated alteration in the signature blocks for joint inventor James R. Yurchenco in that the typewritten name was "Jim Yurchenco" which was altered to "James R. Yurchenco." As the declaration signed on behalf of the non-signing inventor must reflect the correct inventive entity, a new oath or declaration signed by all of the signing inventors on behalf of themselves and the non-signing inventor, correctly stating the name of each inventor, is required.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street, S.
Customer Window, Mail Stop Petitions
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[4] See 37 CFR 1.52(c).

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

COPY MAILED

DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman, Tsai, McBroom, McBroom,	:	
Sudderth, Andre, Stringer, Riccio,	:	DECISION ACCORDING STATUS
Kim, Jue, Cheng, Kaplan, Sun, and	:	UNDER 37 CFR 1.47(a)
Yurchenco	:	
Application No. 10/742,378	:	
Filed: 19 December, 2003	:	
Atty Dkt No. 004860.P2667X6	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a)[1] on 1 November, 2004.

The petition is **GRANTED**.

Petitioners have shown that non-signing inventor Tsai could not be reached. Specifically, petitioners have shown, via the declaration of registered patent attorney J. Scott Heileson, that a copy of the application was sent to the non-signing inventor on three occasions, and that searches were made to determine a current address for the non-signing inventor. Despite diligent efforts, however, the non-signing inventor could not be found to sign the declaration naming him as a joint inventor along with Michael D. Hillman, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Cliff Jue, Larry Cheng, Jon Kaplan, Rickson Sun, and James R. Yurchenco.

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.

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[1] A petition under 37 CFR 1.47(b) is inappropriate in this instance since one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign. Accordingly, the petition will be treated as a petition under 37 CFR 1.47(a).

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 Art Unit 3632 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DI Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 12-04

Frank Tsai
267 Eureka Ct.
Sunnyvale CA 94085

COPY MAILED

DEC 14 2004

OFFICE OF PETITIONS

In re Application of
Hillman et al.
Application No. 10/742,378
Filed: 19 December, 2003
For: Computer Controlled Display Device

Dear Mr. Tsai:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BLVD.
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

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JUL 13 2009

OFFICE OF PETITIONS

In re Patent No. 7,511,012 :
Issued: March 31, 2009 : DECISION ON APPLICATION
Application No. 10/742,379 : FOR PATENT TERM ADJUSTMENT
Filed: December 19, 2003 :
Attorney Docket No. A-828-US-NP :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT 37 C.F.R. § 1.705(d)" filed May 29, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from five hundred eighty one (581) days to one thousand one hundred ten (1110) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On March 31, 2009, the above-identified application matured into US Patent No. 7,511,012 with a patent term adjustment of 581 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).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). 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 1110 days, which includes 833 days of patent term adjustment due to exceeding three year pendency and 529 days due to USPTO delay in prosecution."

The 833-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on December 19, 2003, and the patent having been issued on March 31, 2009, three years and 833 days later. Patentees assert that in addition to this 833-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 529 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 the application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1).

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, it is the period of Office delay reduced by the period of applicant delay. In this instance there is no dispute that there has been no reduction for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (833 days) and the period of Examination Delay (529 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 1362 days, which is the sum of the period of Three Year Delay (833 days) and the period of Examination Delay (529 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 1362 days (833 + 529 reduced by 0 overlap – 252 (applicant delay)).

The Office agrees that as of the issuance of the patent on March 31, 2009, the application was pending three years and 833 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 581 days is correct. At issue is whether patentees should accrue 833 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 529 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 529 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, December 19, 2003, to the date the patent issued on March 31, 2009. Prior to the issuance of the patent, 529 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 833 days for Office delay in issuing the patent overlap with the 529 days of Office delay. During that time, the issuance of the patent was delayed by 833 days, not 833 + 529 days. The Office took 14 months and 529 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the 833 days of Office delay and the time allowed within the time frames for processing and examination, as of the date the patent issued, the application was pending three years and 833 days. The Office did not delay 833 days and then an additional 529 days. Accordingly, 833 days of patent term adjustment (not 833 and 529 days) was properly entered since the period of delay of 529 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 833 days attributable

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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).

to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 833 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 833 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered 833 days of patent term adjustment.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAY 19 2010

OFFICE OF PETITIONS

Amgen Inc.
Law Department
1201 Amgen Court West
Seattle, WA 98119

In re Patent No. 7,511,012	:
Han et al.	: DECISION UPON REMAND AND
Issue Date: March 31,2009	: RECONSIDERATION OF
Application No. 10/742,379	: PATENT TERM ADJUSTMENT
Filed: December 19,2003	: AND NOTICE OF INTENT
Attorney Docket No. A-828-US-NP	: TO ISSUE CERTIFICATE OF
Title: Myostatin Binding Agents	: CORRECTION
	:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by one thousand one hundred and ten (1110) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand one hundred and ten (1110) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,511,012 B2

DATED : **March 31, 2009** **DRAFT**

INVENTOR(S) : Han 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 581 days

Delete the phrase "by 581 days" and insert – by 1110 days--

Day : Tuesday
Date: 5/18/2010

PALM INTRANET

Time: 09:16:49

PTA Calculations for Application: 10/742379			
Application Filing Date:	12/19/2003	PTO Delay (PTO):	833
Issue Date of Patent:	03/31/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	252
Post-Issue Petitions:	0	Total PTA (days):	1110
PTO Delay Adjustment:	529		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
100	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	529		
92.5	03/11/2009	PTA 36 MONTHS	304		
92	03/31/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
91	03/02/2009	EXPORT TO FINAL DATA CAPTURE			
90	02/27/2009	FINISHED INITIAL DATA CAPTURE			
89	02/27/2009	DISPATCH TO FDC			
88	02/06/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
87	01/30/2009	ISSUE FEE PAYMENT VERIFIED			
86	01/30/2009	ISSUE FEE PAYMENT RECEIVED			
83	11/14/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
82	11/03/2008	EXPORT TO INITIAL DATA CAPTURE			
81	10/31/2008	MAIL NOTICE OF ALLOWANCE			
80	10/28/2008	ISSUE REVISION COMPLETED			
79	10/28/2008	DOCUMENT VERIFICATION			
78	10/09/2008	NOTICE OF APPEAL FILED AFTER NOA			
77	10/20/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
76	10/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
75	10/20/2008	NOTICE OF ALLOWABILITY			
74	09/17/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
73	09/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		9	71
72	09/25/2008	DATE FORWARDED TO EXAMINER			
71	09/08/2008	AMENDMENT AFTER FINAL REJECTION		60	66

70	09/08/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
69	09/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
68	08/22/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
67	08/19/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
66	04/10/2008	MAIL FINAL REJECTION (PTOL - 326)			
65	04/09/2008	FINAL REJECTION			
64	02/27/2008	DATE FORWARDED TO EXAMINER			
63	01/31/2008	RESPONSE AFTER NON-FINAL ACTION		91	61
62	01/31/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
61	08/01/2007	MAIL NON-FINAL REJECTION			
60	07/30/2007	NON-FINAL REJECTION			
59	06/22/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	04/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	06/22/2007	REFERENCE CAPTURE ON IDS			
56	06/29/2007	DATE FORWARDED TO EXAMINER			
55	06/22/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
54	06/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
53	06/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	06/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	03/15/2007	MISCELLANEOUS INCOMING LETTER			
48	03/22/2007	MAIL RESTRICTION REQUIREMENT			
47	03/19/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
46	02/16/2007	DATE FORWARDED TO EXAMINER			
45	02/02/2007	RESPONSE TO ELECTION / RESTRICTION FILED		92	41
44	02/02/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	02/15/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
42	02/07/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
41	08/02/2006	MAIL RESTRICTION REQUIREMENT	529		-1

40	07/28/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
39	04/29/2005	REFERENCE CAPTURE ON IDS			
38.7	04/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	04/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	08/16/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
36	08/16/2004	CASE DOCKETED TO EXAMINER IN GAU			
35	08/12/2004	CORRESPONDENCE ADDRESS CHANGE			
34	06/01/2004	APPLICATION RETURN FROM OIPE			
33	06/01/2004	APPLICATION RETURN TO OIPE			
32	06/01/2004	APPLICATION RETURN FROM OIPE			
31	06/01/2004	APPLICATION IS NOW COMPLETE			
30	06/01/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
29	06/01/2004	APPLICATION RETURN TO OIPE			
28	06/01/2004	APPLICATION RETURN FROM OIPE			
27	06/01/2004	APPLICATION IS NOW COMPLETE			
26	06/01/2004	APPLICATION RETURN TO OIPE			
25	06/01/2004	APPLICATION RETURN FROM OIPE			
24	06/01/2004	APPLICATION IS NOW COMPLETE			
23	06/01/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
22	06/01/2004	APPLICATION RETURN TO OIPE			
21	06/01/2004	APPLICATION RETURN FROM OIPE			
20	06/01/2004	APPLICATION IS NOW COMPLETE			
19	06/01/2004	APPLICATION RETURN TO OIPE			
18	05/28/2004	APPLICATION RETURN FROM OIPE			
17	06/01/2004	APPLICATION IS NOW COMPLETE			
16	05/28/2004	CORRESPONDENCE ADDRESS CHANGE			
15	05/28/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
14	05/28/2004	APPLICATION RETURN TO OIPE			
13	05/27/2004	APPLICATION DISPATCHED FROM OIPE			
12	05/28/2004	APPLICATION IS NOW COMPLETE			
11	05/10/2004	ADDITIONAL APPLICATION FILING FEES			
10	05/10/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	03/19/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			

7	03/08/2004	CLEARED BY L&R (LARS)			
6	02/20/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
5	02/20/2004	CASE CLASSIFIED BY OIPE			
4	01/21/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	01/09/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	12/19/2003	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	12/19/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

Back to OASIS | Home page

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper N.: _____

DATE : 06/21/06

TO SPE OF : ART UNIT 1712

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/742,388** Patent No.: **7045555**

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: _____

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

SPE | **Art Unit** 1712

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OFFICE OF PETITIONS

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

In re Application of :
Koji Mishima et al :
Application No. 10/742,390 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 2003-1887

This is a decision on the petition, filed November 8, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1753 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Daryl Carvis Cromer	: DECISION ON REQUEST FOR
Patent Number	: 7652995	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1261** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JJGJR.: 09-04

Paper No: __

BLAKELY SOKOLOFF
TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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SEP 30 2004

OFFICE OF PETITIONS

In re Application of
Hillman, et al. :
Application No. 10/742,438 : ON PETITION
Filed: 19 December, 2003 :
Attorney Docket No. 004860.P2667X4 :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 6 July, 2004

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 19 December, 2003, without, *inter alia*, a fully executed oath or declaration; and

- the Office mailed on 2 April, 2004, a Notice to File Missing Parts with a reply due absent extension of time on or before 2 June, 2004;

- Petitioner filed with the instant 6 July, 2004, *inter alia*, an oath/declaration signed by named co-inventors, save for that of co-inventor Frank R. Tsai (Mr. Tsai), and so signed on behalf of themselves as signing inventors and the non-signing Mr. Tsai, a petition under 37 C.F.R. §1.47, and Petitioner Scott Heileson's (Reg. No. 46,765) narrative of events with copies of documents evidencing attempts to deliver the entire application to Mr. Tsai.

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 being returned to OIPE for processing as necessary to reflect the instant decision, and will be forwarded for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

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

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Heath E. Harrington, et al. :
Application No. 10/742,439 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No.: 1650.145.2 :
:

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed by facsimile transmission on August 9, 2005.

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 25, 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 3725 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

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Date : August 12, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Heath E. Harrington, et al.
Application No. : 10/742,439
Filed : December 19, 2003

The above-identified application has been assigned Patent No. 6,931,910 and an issue date of August 23, 2005.

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

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of August 23, 2005:

"All reference to Patent No. 6,931,910 to HEATH E. HARRINGTON, ET AL. of MINNESOTA for PRESS BRAKE TOOLING TECHNOLOGY appearing in the Official Gazette of August 23, 2005, should be deleted since no patent was granted."

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, Crystal Park 3-44l (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

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Paper No.

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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DEC 30 2004

OFFICE OF PETITIONS

In re Application of :
H.B.F. Dixon, Marat Karpeisky, :
Alexander Karpeisky, : DECISION ACCORDING STATUS
Nelly Padioukova, Sergey Mikhailov : UNDER 37 C.F.R. § 1.47(a)
and Grigorii Tzeitline :
Application No. 10/742,453 :
Filed: December 18, 2003 :
Attorney Docket No. 3900-1-CIP-2 :
Title: BISPHOSPHONATE CONJUGATES :
AND METHODS OF MAKING AND USING THE:
SAME

This is a decision on the "PETITION UNDER 37 CFR § 1.47(a)," filed October 13, 2004 (certificate of mailing Monday, October 4, 2004).

The petition is **GRANTED**.

The above-identified application was filed on December 18, 2003, without an executed oath or declaration and missing the statutory basic filing fee. Accordingly, on April 2, 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 payment of the statutory basic filing fee. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed four declarations executed, in combination, by joint inventors Dixon, Padioukova and Tzeitline and the legal representative for deceased inventor Karpeisky, on behalf of themselves and on behalf on non-signing inventor Mikhailov; the surcharge under § 1.16(e); and the instant petition under § 1.47(a)(and the statutory basic filing fee). This response was made timely by an accompanying petition for extension of time within the fourth month. Applicants assert that status under § 1.47(a) is proper because inventor Mikhailov refuses to join in the application. In support thereof, applicants submitted the declaration of attorney Robert Traver.

The petition includes payment of the petition fee, and a statement of the last known address of inventor Mikhailov. Furthermore, the declaration of attorney Traver attests to making bona fide efforts to present to inventor Mikhailov the entire application package and the inventor not responding. Petitioner has shown that, by his conduct, inventor Mikhailov has refused to join in the application.

The petition and declaration filed October 13, 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 application will be forwarded to Technology Center 1625 for examination in due course.

Telephone inquiries regarding 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

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ROBERT D. TRAVER
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Dixon et al.	:	DECISION ON PETITION
Application No. 10/742,453	:	TO WITHDRAW
Filed: December 18, 2003	:	FROM RECORD
Attorney Docket No. 0247-1-CIP-2	:	

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 7, 2006.

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

A review of the file record indicates that on July 28, 2006 the power of attorney to Sheridan Ross PC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton CO 80120

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FOLEY HOAG, LLP
PATENT GROUP (W/ISA)
155 SEAPORT BLVD.
BOSTON, MA 02210-2600

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Stephen P. Sharrock et al :
Application No. 10/742,459 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. ISA-007.01

This is a decision on the petition, filed July 25, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 5, 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 2877 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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JUL 25 2005

OFFICE OF PETITIONS

In re Application of :
Debjani Kapila et al :
Application No. 10/742,474 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 122084-1 :

This is a decision on the petition, filed July 21, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on June 10, 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 1621 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).

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)
6941801	2005-09-13	10/742,490	2003-12-19	1-74107

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

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	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	/Scott A. Blake/	Date (YYYY-MM-DD)	2010-03-17
Name	Scott A. Blake	Registration Number	40515

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.

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In re Patent No. 6941801
Issue Date: September 13,2005
Application No. 10742490
Filed: December 19,2003
Attorney Docket No. 74107

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

This is a decision on the electronic petition, filed March 17,2010 ,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 17,2010 . 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20090218

DATE : 6/9/2008

TO SPE OF : ART UNIT 3700 (3724)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,335,858

Attn: Joseph Pelham

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

Please complete this form and forward within 7 days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

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.

***Ok to enter the changes in claim 10 as req. in COCIN?**

Thank You For Your Assistance

Ernest C. White, LIE - 308-9390x122
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:

Joseph Pelham 2/18/09

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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Clarence T. Tegreene
DALE R. COOK
Searete LLC
1756 - 114th Avenue S.E., Ste. 110
Bellevue, WA 98004

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JAN 0 4 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hillis, et al. :
Application No. 10/742,517 :
Filed: December 19, 2003 :
Attorney Docket No. 0803-001-023-00000

This is a decision on the petition under 37 CFR 1.181 filed on September 20, 2005, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on July 14, 2005, after no response was received to the Notice of Allowance and Issue Fee Due mailed April 13, 2005. The notice set a statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 14, 2005. A Notice of Abandonment has not yet been mailed.

In the instant petition, petitioner maintains that the Notice of Allowance and Issue Fee Due was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> [t]he showing requires to establish non-receipt 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 non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Although petitioner has offered a statement that petitioner's records where searched, but the Office communication was not found, petitioner did not provide a copy of petitioner's logs showing where the Office communication would have been entered if it had been received. This documentation must accompany any renewed petition filed under 37 CFR 1.181(a).

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1500.00 for a large entity and $750.00 for a verified small entity), and a

statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: 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 decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 1, 2007

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction on Patent No.: 7167492 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:

MINSUN OH HARVEY
PRIMARY EXAMINER
SPE

2828
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

JJGJR.: 07-04

Paper No: __

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

COPY MAILED
JUL 22 2004
OFFICE OF PETITIONS

In re Application of
Iacono, et al.
Application No. 10/742,539
Filed: 19 December, 2003
Attorney Docket No. I-2-0423.1US

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 4 June, 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 19 December, 2003, without, *inter alia*, a fully executed oath or declaration; and

- on 1 April, 2004, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before 1 June, 2004;

- on 4 June, 2004 (over a 1 June, 2004, certificate of mail), Petitioner filed, *inter alia*, an oath/declaration signed by named inventors Iacono, Doshi, Movva, Stern-Berkowitz, Terry and Zhang, but without the signature of Gary Schnee (Mr. Schnee), a petition under 37 C.F.R. §1.47, and narrative by Petitioner John C. Donch, Jr. (Reg. No. 43,593), however, it is clear that: the address used to forward the application to Mr. Schnee was not a valid current address for Mr. Schnee, the application was not delivered, and there was no showing that Petitioner had made a good faith effort to determine a current valid address (such as that available through a web search and locating a Gary Schnee in Connecticut) for Mr. Schnee.

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 after a reasonable effort is made to determine a current valid address for the non-signing inventor. Petitioner should submit a copy of the transmittal letter and should state the address in the petition over Petitioner's signature and registration number.

Therefore, the instant petition 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

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

JJGJR.: 08-05

Paper No: __

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

COPY MAILED

AUG 11 2005

OFFICE OF PETITIONS

In re Application of :
Iacono, et al. :
Application No. 10/742,539 : ON PETITION
Filed: 19 December, 2003 :
Attorney Docket No. I-2-0423.1US :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 22 September, 2004

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 19 December, 2003, without, *inter alia*, a fully executed oath or declaration; and

- on 1 April, 2004, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before 1 June, 2004;

- on 4 June, 2004 (over a 1 June, 2004, certificate of mail), Petitioner filed, *inter alia*, an oath/declaration signed by named inventors Iacono, Doshi, Movva, Stern-Berkowitz, Terry and Zhang, but without the signature of Gary Schnee (Mr. Schnee), a petition under 37

C.F.R. §1.47, and narrative by Petitioner John C. Donch, Jr. (Reg. No. 43,593), however, it is clear that: the address used to forward the application to Mr. Schnee was not a valid current address for Mr. Schnee, the application was not delivered, and there was no showing that Petitioner had made a good faith effort to determine a current valid address (such as that available through a web search and locating a Gary Schnee in Connecticut) for Mr. Schnee, and so the petition was dismissed on 22 July, 2004;

- apparently Petitioner filed a renewed petition on 28 September (over a 22 September certificate of mailing), 2004, however the papers were not scanned into the image file wrapper (IFW), and (following the filing on 10 February, 2005, of at least one Status Inquiry) Petitioner resubmitted the materials via FAX on 26 July, 2005, and supplemented on 9 August, 2005, and it appears further that Petitioner has sought to overcome the deficiencies previously noted.

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(b).

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

As provided under 37 C.F.R. §1.47(b), 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 OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FERRELLS, PLLC
P.O. BOX 312
CLIFTON VA 20124-1706

COPY MAILED

APR 11 2007

OFFICE OF PETITIONS

In re Patent No. 7,119,138 :
Issue Date: October 10, 2006 :
Application No. 10/742,542 : DECISION GRANTING PETITION
Filed: December 19, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. IM-03-4 (NB/NBE) :

This is a decision on the petition, filed January 27, 2007, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to 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 under 37 CFR 1.137(b) is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 27, 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. Therefore, pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed to timely notify the USPTO of the filing of a counterpart 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(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country 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 as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

This application matured into Patent No. 7,119,138 on October 10, 2006. Therefore, no further action being required, this matter is being referred to Files Repository.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
cc:
FERRELLS, PLLC
4400 FAIR LAKES COURT
SUITE 201
FAIRFAX, VA 22033-3899

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN, LEWIS & BOKIUS
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

COPY MAILED

OCT 14 2004

OFFICE OF PETITIONS

In re Application of
MacQueen et al
Application No. 10/742,546
Filed: December 19, 2003
Attorney Docket No. 060848-0085-US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

This file is being referred to Technology Center AU 1762

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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AUG 2 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Hillman et al.	:	
Application No. 10/742,547	:	DECISION REFUSING STATUS
Filed: December 19, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 004860.P2667X7	:	
Title: Computer Controlled Display Device	:	
	:	

This is in response to the petition filed July 6, 2004 (certificate of mailing July 1, 2004), under 37 CFR. §1.47(a).

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 on December 19, 2003, without an executed oath or declaration. Accordingly, on April 2, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of June 2, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration and the declaration of attorney Heileson. To make the reply timely, a one (1) month extension of time was also submitted. In support of the petition, applicants submitted a copy of federal express and US Postal receipts.

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 does not satisfy requirements (2).

As to item (2), the declaration submitted is not in compliance with 37 CFR 1.63 . Rule 47 applicant failed to provide the citizenship and mailing addresses of all of the inventors pursuant to 37 CFR 1.63 (a)(3)and (c)(1). Specifically, petitioner failed to provide the address and citizenship of inventor Tsai. On renewed petition, a newly executed declaration is required.

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

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251 until September 24, 2004, thereafter (571) 272-3215.

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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DEC 17 2004

OFFICE OF PETITIONS

In re Application of	:	
Michael Hillman, Frank Tsai, Michael McBroom,	:	DECISION GRANTING STATUS UNDER
Daniel Mc Broom, Brian Sudderth, Andre Bartley,	:	37 CFR 1.47(A)
Christopher Stringer, Daniel Riccio and Theo Mann	:	
Application No.10/742,547	:	
Filed: December 19, 2003	:	
Attorney Docket No. 004860.P2667X7	:	
Title of Invention: Computer Controlled Display	:	
Device	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed November 1, 2004.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute 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 application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

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

Frank Tsai
267 Eureka Court
Sunnyvale, CA 94085-3030

COPY MAILED

DEC 17 2004

OFFICE OF PETITIONS

In re Application of
Michael Hillman, Frank Tsai, Michael McBroom,
Daniel Mc Broom, Brian Sudderth, Andre Bartley,
Christopher Stringer, Daniel Riccio and Theo Mann : LETTER
Application No.10/742,547
Filed: December 19, 2003
Attorney Docket No. 004860.P2667X7
Title of Invention: Computer Controlled Display Device

Dear Mr. Tsai:

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 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 Petitions Attorney Charlema R. Grant at (571) 272-3215. 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).

Charlema R. Grant
Petitions Attorney
Office of Petitions

J.SCOTT HEILESON

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

wk

Mailed: 3-12-07

In re application of
Evans et al.
Serial No. 10/742,548
Filed: December 19, 2003
For: Gas-Permeable Membrane

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed December 4, 2006.

On February 9, 2006, a non-final office action was mailed by the examiner rejecting all pending claims over Clark in view of Schreck. A response was filed on September 12,2006, which included various amendments made to the claims. The examiner again rejected all of the claims over Clark in view of Schreck and made the next action a final office action, mailed December 4, 2006.

On February 5, 2007, the instant petition under 37 CFR 1.181 was filed to formally request the withdrawal of finality of the December 4, 2006 office action.

Applicant's position for the withdrawal of the finality is that no clear issue has been established between the examiner and applicants prior to the final rejection because the examiner did not answer the substance of the applicants arguments and that the examiner did not separately address the limitation of independent claims 7 and 12, which are not the same scope.

DECISION

Section 706.07 of the MPEP states:

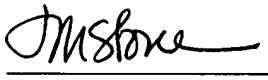
706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The petitioner argues that the examiner did not address the applicant's arguments to the teachings of the Clark and Schreck references used in the non-final rejection of February 9, 2006. Upon review of the final office action of December 4, 2006, the examiner does in fact provide a response to the applicant's arguments in paragraph 8 of the office action.

The petition for withdrawal of finality is **DISMISSED.**

Applicant's time for response to the December 4, 2006 office action continues to run as set forth in the office action. The application will be forwarded to the examiner for consideration of the applicant's response after-final, which was filed concurrently with the instant petition. The examiner is directed to respond with specificity to the arguments presented in the remarks after final.



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

T.H. P. Richardson
Sheldon & Mak
Suite 900
225 South Lake Avenue
Pasadena CA 91101

- please reset the date for response to the final rejection in PALM from 11/6/06 to 1/3/07

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

INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Shlomo Ovadia	: DECISION ON REQUEST FOR
Patent Number	: 7634582	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,562	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1760** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

AUG 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Paul W. Dent :
Application No. 10/742,565 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No.: :
8194-537DV :
Title: RECEIVERS FOR RECEIVING :
MULTI-CARRIER ORTHOGONALLY :
CODED SIGNALS :

This is a decision on the petition filed June 30, 2004, requesting that the above-identified application, including page 36 of the specification, be accorded a filing date of December 19, 2003 as part of the original disclosure.

The application was deposited on December 19, 2003. However, on May 12, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that page 36 of the specification appeared to have been omitted.

In response, on June 30, 2004, applicants filed the present petition. The petition is further accompanied by a copy of page 36 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification pages 47" in the United States Patent and Trademark Office (Office) on December 19, 2003. Applicants request that page 36 of the specification be accorded a filing date of December 19, 2003.

It is noted that 31 pages of specification, 14 pages of claims, and a one page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 19, 2003 included page 36 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 36 of the specification, was complete on filing and entitled to a filing date of December 19, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed May 12, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 has not been charged to Petitioner's Deposit Account.

The application file is being returned to OIPE for further processing with a filing date of December 19, 2003, using the original application papers filed on that date, as well as page 36 of the specification submitted on June 30, 2004, and for noting in Office records that this sheet was present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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United States Patent and Trademark Office
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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of

Yaniv Haber et al.
Application No. 10/742,593
Filed: December 18, 2003
Attorney Docket No. 017900-003210US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 16, 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 Philip H. Albert on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Yaniv Haber**
Shevet Menashe 38
Hertzelia, 46684
Israel

cc: **Kurt Maschoff**
Buckley, Mashoff & Talwalkar
50 Locust Avenue
New Canaan, CT 06480

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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
10/742,593	12/18/2003	Yaniv Haber	017900-003210US

CONFIRMATION NO. 3904

59734
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111

OC000000025880755

Date Mailed: 09/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2007.

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

J. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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SAP AG c/o BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN CT 06840

MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Haber et al.	:	DECISION ON PETITION TO
Application Number: 10/742593	:	WITHDRAW HOLDING OF
Filing Date: 12/18/2003	:	ABANDONMENT
Attorney Docket Number:	:	
2003P00082US01 (S20.018)	:	

This is a decision on the petition filed on January 6, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on December 10, 2008, stating that the application was abandoned for failure to timely file a proper reply to the final Office action mailed on May 8, 2008.

Petitioners assert that the Notice of Abandonment should be withdrawn because a timely reply was filed on November 10, 2008.

A review of the record reveals that on November 10, 2008, a petition and the fee for a three (3) month extension of time was filed, along with a Notice of Appeal. In this regard, as November 8, 2008, fell on a Saturday, the reply filed on Monday, November 10, 2008, was timely filed. 37 CFR 1.7(a).

Upon review, a timely and proper reply to the non-final Office action mailed on May 8, 2008 has been filed. Therefore, there is no abandonment in fact.

The holding of abandonment is **withdrawn**. The Notice of Abandonment is **vacated**.

The application is referred to Technology Center Art Unit 3685 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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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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DEC 21 2005

OFFICE OF PETITIONS

In re Application of :
Bawendi et al. : DECISION ON PETITION
Application No. 10/742,608 :
Filed: December 19, 2003 :
Attorney Docket No. :
0492611-0536/MIT-8366DIV :

This is a decision on the "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)" filed October 13, 2005.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee (and publication fee) within the three-month statutory period for reply set in the Notice of Allowance mailed May 11, 2005. No extensions of time are permitted for transmitting issue fees. Accordingly, the above-identified application became abandoned on August 12, 2005. A courtesy Notice of Abandonment was mailed on September 30, 2005.

On instant petition, petitioner included the petition fee and the required reply in the form of payment of the issue fee (and publication fee)[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." The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being 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. As this utility application was filed after June 8, 1995, no terminal disclaimer is required. Petitioner has met the requirements for revival under § 1.137(b).

[1] There was no distinct and concurrent requirement for new drawings.

The Publishing Division has been advised of this decision. The application file has thereby been forwarded to the Publishing Division for processing into a patent.

Telephone inquiries related 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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ALEXANDRIA, VA 22313-1450
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Paper No. None

BAKER & MCKENZIE
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS TX 75201

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JUL 13 2005

OFFICE OF PETITIONS

In re Application of
Dave G. Dalglish
Application No. 10/742,610
Filed: December 18, 2003
Attorney Docket No. 38326.00025.CON1
Title: SELECTIVE CLOAKING CIRCUIT FOR USE IN RADIO FREQUENCY IDENTIFICATION AND METHOD OF CLOAKING RFID TAGS

DECISION ON PETITION

This is a decision on the petition filed on May 20, 2005, 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.

On December 18, 2003, the present petition was filed with the Office. Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign country or under a multinational agreement. Unfortunately, notification of the filing of the foreign or international application did not accompany this filing.

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.

As such, Petitioner has not met the first requirement above.

Furthermore, it does not appear that a Notice of Rescission of Nonpublication Request has been filed with the Office. As such, Petitioner has not rescinded the previous nonpublication request.

In view of the foregoing, this petition is **DISMISSED**. Any renewed petition 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 renewed petition should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)." Petitioner must submit the date which the foreign or international application was filed, as well as a Notice of Rescission of Nonpublication Request.

Petitioner is reminded that if an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made, and any petition fee would be refunded.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (703) 872-9306 - please note this is a central facsimile number. On July 15, 2005, the Central FAX Number will change to 571-273-8300. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

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SUITE 2300
DALLAS TX 75201

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OFFICE OF PETITIONS

In re Application of
Dave G. Dalglish
Application No. 10/742,610
Filed: December 18, 2003
Attorney Docket No. 38326.00025.CON1
Title: SELECTIVE CLOAKING CIRCUIT FOR USE IN RADIO FREQUENCY IDENTIFICATION AND METHOD OF CLOAKING RFID TAGS

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.137(F)

This is a decision on the renewed petition filed on August 22, 2005, 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.

The original petition was filed on May 20, 2005, and was dismissed via the mailing of a decision on July 13, 2005 for failure to provide notification of the filing of the foreign or international application.

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.

With this renewed petition, Petitioner has indicated that the international application was filed on January 16, 2002.

The record discloses that on December 18, 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, over his registration number.

A Notice of Rescission of Nonpublication Request was filed with the Office on August 22, 2005, along with this renewed petition. Petitioner now requests 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. In this regard, petitioner states that an international corresponding to the instant application was filed on **January 16, 2002**, which date is **prior** to the date of filing the present application.

The present nonprovisional application did not become abandoned as a result of the published 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 December 18, 2003, and the corresponding application was filed on January 16, 2002. 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 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 under a multilateral agreement 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.**

As requested, the Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of December 8, 2005 accompanies this decision.

The rules and statutory provisions governing the operations of the US Patent and Trademark Office require payment of a fee on filing each petition[2]. Payment of the $750 petition fee is acknowledged.

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

Encl. Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (2 pages)

2 35 USC §41(a)(7).

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TECHNOLOGY CENTER 2800

In re Patent No. KING, LAEL D.
Issue Date: March 8, 2005
Appl No.: 10/742,612
Filed: December 19, 2003
For: SATELLITE LOCATOR SYSTEM

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed January 3, 2006 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Douglas W. Owens
Supervisory Patent Examiner
Art Unit 2821
Technology Center 2800

Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

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Paper No.

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

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MAR 08 2010

In re Application of :
Tseng et al. :
Application No. 10/742,616 : ON APPLICATION FOR
Filed: December 18, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. 034827-0303 :
Title: ASSAY FOR BCR/ABL GENE :
REARRANGEMENT :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed December 8, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is five hundred and seventy-one (571) days, not one hundred and sixty-four (164) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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).

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

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 regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

Mail Date: 05/17/2010

Applicant	: Richard W. Tseng	: DECISION ON REQUEST FOR
Patent Number	: 7700279	: RECALCULATION of PATENT
Issue Date	: 04/20/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/742,616	: OF WYETH
Filed	: 12/18/2003	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JONATHAN P OSHA
ROSENTHAL & OSHA LLP
SUITE 2800
1221 MCKINNEY ST
HOUSTON TX 77010

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JUL 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Nobuhiro Karito	:	
Application No. 10/742,633	:	ON PETITION
Filed: December 19, 2003	:	
Attorney Docket No. 17099/002001	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed January 24, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed June 28, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on September 29, 2007. A Notice of Abandonment was mailed on January 9, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (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. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that she did not receive the June 28, 2007 Office action. In support thereof, petitioner has included a copy of a mail log, showing all Office communications that were received during the time period from June 28, 2007 to July 13, 2007. However, to establish non receipt of an office action, a 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

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

> 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.[3]

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report showing all replies docketed for a due date of September 28, 2007. If no such docket report exists, petitioner should so state for the record.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to **37 CFR 1.137(b)** on the basis of **unintentional** delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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[3] MPEP 711.03(c)(II) (emphasis added).

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

JONATHAN P OSHA
ROSENTHAL & OSHA LLP
SUITE 2800
1221 MCKINNEY ST
HOUSTON TX 77010

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of :
Nobuhiro Karito :
Application No. 10/742,633 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 17099/002001 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed July 30, 2008.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed June 28, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on September 29, 2007. A Notice of Abandonment was mailed on January 9, 2008. Applicant filed a petition to revive under 37 CFR 1.137(a) on January 24, 2008, asserting that he never received the non-final Office action. However, the petition was dismissed in a decision mailed on July 14, 2008. The decision explained that applicant had not submitted a copy of a master docket report showing all of his replies docketed for a due date of September 28, 2007.

With the instant renewed petition, applicant has submitted a copy of a master docket report, showing all of his replies docketed for the period from September 1, 2007 to September 30, 2007. An entry for the instant application is absent, supporting the conclusion that the June 28, 2007 non-final Office action was not received.

The application is being forwarded to Group Art Unit 2625 for consideration of the amendment filed on January 24, 2008.

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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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AUG 0 4 2005

OFFICE OF PETITIONS

Applicant: Parmelee et al.
Appl. No.: 10/742,634
Filing Date: December 22, 2003
Title: NEUTROKINE-ALPHA CONJUGATE, NEUTROKINE-ALPHA COMPLEX, AND USES THEREOF
Attorney Docket No.: 1488.1810002
Pub. No.: US 2004/0208824 A1
Pub. Date: October 21, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on December 21, 2004, for the above-identified application.

The request is granted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBINS & PASTERNAK LLP
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO CA 94303

In re Application of :	:
Linda Watkins	:
Serial No.: 10/742,641	: PETITION TO MAKE SPECIAL
Filed: December 18, 2003	:
Attorney Docket No.: 0800-0031	:

This is in response to applicant's petition filed May 26, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on applicants who are small entities having applications relating to biotechnology.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, XII (A), (B), and (C). However, applicant failed to file the $130.00 petition fee as required by 37 CFR 1.17(h). Therefore, the petition is **DENIED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission to the general Office facsimile number.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBINS & PASTERNAK LLP
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO CA 94303

In re Application of:	:	
Linda Watkins	:	
Serial No.: 10/742,641	:	PETITION TO MAKE SPECIAL
Filed: December 18, 2003	:	
Attorney Docket No.: 0800-0031	:	

This is in response to applicant's petition filed May 26, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on applicants who are small entities having applications relating to biotechnology.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, XII (A), (B), and (C). The $130.00 petition fee as required by 37 CFR 1.17(h) will be charged to applicant's Deposit Account No. 18-1648, as directed. Therefore, the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission to the general Office facsimile number.

Marianne C. Seidel

Marianne C. Seidel
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
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ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Linda May Watkins	: DECISION ON REQUEST FOR
Patent Number	: 7261882	: RECALCULATION of PATENT
Issue Date	: 08/28/2007	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,641	: OF WYETH
Filed	: 12/18/2003	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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SEP 0 8 2005

OFFICE OF PETITIONS

In re Application of
Cheng et al.
Application No.10/742,644
Filed: December 19, 2003
Attorney Docket Number: 1601457-0005
Title of Invention: Portable Data Storage Device

DECISION ON PETITIONS
UNDER 37 CFR 1.47, 1.48
AND 1.183

This is in response to the petitions filed under 37 CFR §§1.47 and 1.48 filed on February 23, 2005. The petition filed under 37 CFR 1.47 will be treated as a petition under 37 CFR 1.183.

The petition filed under 37 CFR 1.47 is **DISMISSED AS INAPPROPRIATE**.
The petition filed under 37 CFR 1.48 is **GRANTED**.
The petition filed under 37 CFR 1.183 is **GRANTED.**

The above-identified application was filed on December 19, 2003, with an executed oath or declaration on filing naming inventor Cheng as the sole inventor. Petitioner now seeks to amend the inventorship for the above-identified application to add inventor Poo Teng Pin.

Petition Under 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(i); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Petitioner has met the requirements of 37 CFR 1.48.

Petition Under 37 CFR 1.47

The petition under 37 CFR 1.47 is dismissed. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor. When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

Petition Under 37 CFR 1.183

The appropriate remedy to address the inability to locate inventor Cheng is to file a petition under 37 CFR 1.183 seeking waiver of the requirement of the reexecution of the supplemental declaration. See MPEP 201.03. Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record adequately establishes an extraordinary situation. Petitioner has established an inability to locate inventor Cheng to reexecute the supplemental declaration. Further petitioner has provided a statement from the assignee of record. Accordingly the petition is granted.

Pursuant to petitioner's request, deposit account 23-1703 will be charged the $130.00 processing fee required under 37 CFR 1.48 (a)(4) and the $400.00 petition fee for the petition under 37 CFR 1.183 required under 37 CFR 1.17(i).

It is however noted the reply period to the final Office Action mailed May 19, 2005 continues to run.

This application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure: corrected filing receipt

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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10-29-08

Patent No. :6,939,080 B2
Ser. No. : ~~10/72,671~~ 10/742671
Inventor(s) : Albert L. Wokas
Issued : September 6, 2005
Title : TANK FOR SERVICE STATIONS
Docket No. : 231200011CPA

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 certificate of correction will issue to correct the remaining errors noted in your request.

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.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 105

Garrett C. Donley
Harness, Dickey & Pierce
P.O. Box 828
Bloomfield Hills, MI 48303

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/742,686	12/22/2003	Alan Roy Goodworth	S-5653

CONFIRMATION NO.
6225

Mony R. Ghose
Sikorsky Aircraft Corporation
MS-S316A
6900 Main Street
Stratford CT 06615-9129

Date Mailed: November 5, 2004

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c) filed on November 5, 2004, for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ■ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. □ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. □ The Application was published on October 9, 2003, in compliance with 35 U.S.C. 122(b), the publication number is US20030189168A1, and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

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Paper No. 062405

BIRDWELL & JANKE, LLP
1100 SW SIXTH AVENUE
SUITE 1400
PORTLAND, OR 97204

AUG 25 2005

In re Application of:	:	
WILLIAM GARDNER	:	DECISION ON REQUEST TO WITHDRAW
Serial No.: 10/742,704	:	FROM RECORD
Filed: December 19, 2003	:	
Attorney Docket No.: **P1085.13002**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 20, 2005.

The request is **DISMISSED** as moot.

A review of the application file record reveals a proper revocation and power of attorney to the attorney Matthew Schmehl was filed on June 15, 2005. 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 from 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 Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: WILLIAM G. GARDNER
4608 W. BLUEFIELD AVENUE
GLENDALE AZ 85308

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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JOHN S. FERRELL
CARR & FERRELL, LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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MAR 22 2007

OFFICE OF PETITIONS

In re Application of :
Senthilvasan Supramaniam, et al. :
Application No. 10/742,710 : DECISION ON PETITION
Filed: December 19, 2003 : TO WITHDRAW
Attorney Docket No. SSL1P024/SS-44 : 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 20, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Carr & Ferrell, LLP has been revoked by the assignee of the patent application on March 2, 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: RYAN MORRISON
INVENTION LAW GROUP
1756 – 114TH AVENUE SE
SUITE 110
BELLEVUE, WA 98004

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

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SEP 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Naoki Kuwata et al :
Application No. 10/742,718 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. Q78947

This is a decision on the petition filed, August 29, 2006, which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 25, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KENNEDY COVINGTON LOBDELL & HICKMAN, LLP
214 N. TRYON STREET
HEARST TOWER, 47TH FLOOR
CHARLOTTE NC 28202

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OFFICE OF PETITIONS

In re Application of :
Kline : DECISION ON PETITION
Application No. 10/742,721 :
Filed: December 19, 2003 :
Docket No.: 0018323.00084 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 28, 2007.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed March 27, 2007. This decision precedes Notice of Abandonment.

Petitioners assert that a response to the non-final Office action was timely submitted on April 24, 2007 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated April 24, 2007 acknowledging receipt of the reply.

The original response filed April 24, 2007 has not been located in the application file. However, the evidence presented is most persuasive that a reply non-final Office action was in fact timely submitted.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center 3700 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTARCIA THERAPEUTICS, INC.
ATTN: BARBARA G. MCCLUNG
24650 INDUSTRIAL BLVD
HAYWARD, CA 94545

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MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Berry, et al. :
Application No. 10/742,730 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. ALE 065.10 :

This is a decision on the petition, filed November 26, 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 timely file a reply within the meaning of 37 CFR 1.113 to a non-final Office action mailed June 14, 2007. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 15, 2007. A Notice of Abandonment was mailed on January 24, 2008. On November 26, 2008, 2008, the present petition was filed, wherein petitioner indicate the proposed reply is the filing of a continuation application. The petition is not accompanied by a statement of express abandonment in favor of the filing of the continuing application.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, the statement in the petition will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application under 37 CFR 1.53(b); (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being revived solely for the purpose of continuity with the Application No. 12/231,194. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 12/231,194, filed November 26, 2008.

The Revocation and Power of Attorney filed October 22, 2008, has been processed and the Notice of Acceptance is enclosed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petition

Enclosure

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
10/742,730	12/19/2003	Stephen Berry	ALZ 5013 NP (3139-6443.1U

CONFIRMATION NO. 5427

POA ACCEPTANCE LETTER

74866
Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

OC000000034769016

Date Mailed: 02/27/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sdbrinkley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTARCIA THERAPEUTICS, INC.
ATTN: BARBARA G. MCCLUNG
24650 INDUSTRIAL BLVD
HAYWARD, CA 94545

MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Berry, et al. :
Application No. 10/742,730 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. ALE 065.10 :

CORRECTED DECISION

This is a decision on the petition, filed November 26, 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 timely file a reply within the meaning of 37 CFR 1.113 to a non-final Office action mailed June 14, 2007. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 15, 2007. A Notice of Abandonment was mailed on January 24, 2008. On November 26, 2008, 2008, the present petition was filed, wherein petitioner indicate the proposed reply is the filing of a continuation application. The petition is not accompanied by a statement of express abandonment in favor of the filing of the continuing application.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, the statement in the petition will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application under 37 CFR 1.53(b); (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an

This application is being revived solely for the purpose of continuity with the Application No. 12/231,194. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 12/315,194, filed November 26, 2008.

The Revocation and Power of Attorney filed October 22, 2008, has been processed and the Notice of Acceptance is enclosed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petition

Enclosure

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.

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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/742,730	12/19/2003	Stephen Berry	ALZ 5013 NP (3139-6443.1U

CONFIRMATION NO. 5427

74866
Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

POA ACCEPTANCE LETTER

OC000000034769016

Date Mailed: 02/27/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sdbrinkley/

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
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Alexandria, VA 22313-1450
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INTARCIA THERAPEUTICS, INC.
ATTN: BARBARA G. MCCLUNG
24650 INDUSTRIAL BLVD
HAYWARD, CA 94545

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Berry, et al. :
Application No. 10/742,730 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. ALE 065.10 :

This is in response to the communication entitled "Second Request for Corrected Petition Decision" filed March 21, 2009. The communication is filed in response to a corrected decision mailed March 17, 2009.

Applicant requests, in effect, that the decisions mailed in response to the petition of November 26, 2008 under the provisions of 37 CFR 1.137(b) be corrected to show that this application is revived for the purpose of continuity with the correct continuing application.

The request is **GRANTED**. Any inconvenience caused applicant is regretted.

The decisions mailed March 6, 2009 and March 17, 2009, are each modified, at paragraph six, to read as follow:

The application is being revived solely for the purpose of continuity with Application No. **12/315,194**. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. **12/315,194**, filed November 26, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petition

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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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INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE AZ 85251

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DEC 29 2004

OFFICE OF PETITIONS

In re Application of :
Christopherson et al. :
Application No. 10/742,732 : DECISION ACCORDING STATUS
Filed: December 19, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No.009.6000 (P-9295.00) :

This is in response to the petition under 37 CFR 1.47(a), filed June 1, 2004. The Office of Petitions recently received the petition for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The petition is granted.

Petitioner has shown that Beth Anne H. Guck, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of David K. Benson establishes that the inventor was presented with the application papers via email, but failed to respond to the request that she sign the declaration.

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

The $130.00 petition fee will be charged to Deposit Account No. 50-2091, as authorized in the present petition.

This matter will be referred to Technology Center Art Unit 3762 for examination in due course.

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Beth Anne H. Guck
5218 171st Avenue NW
Andover, MN 55304

COPY MAILED

DEC 29 2004

OFFICE OF PETITIONS

In re Application of :
Christopherson et al. :
Application No. 10/742,732 : LETTER
Filed: December 19, 2003 :
Attorney Docket No.009.6000 (P-9295.00) :

Dear Ms. Guck:

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.

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).

Christina T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE AZ 85251

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUN 19 2006

OFFICE OF PETITIONS

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

In re Application of :
Martin Langhammer et al :
Application No. 10/742,746 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. ALT-209CONT2 :

This is a decision on the petition, filed June 9, 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 25, 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 2819 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
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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

COPY MAILED

NOV 2 8 2008

OFFICE OF PETITIONS

In re Application of :
David Reuter et al :
Application No. 10/742,747 : DECISION ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 10057-702.501 :

This is a decision on the petition under 37 CFR 1.182, filed, October 7, 2008, to change the name of the sixth inventor "Clif Alferness" to – Clifton A. Alferness --.

The petition is **DISMISSED AS MOOT**.

Office records show the sixth inventor's name is Clifton A. Alferness. A replacement Filing Receipt accompanies this decision on petition.

The $400 petition fee filed on October 7, 2008 is unnecessary and is being credit to petitioner's deposit account.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Irvin Dingle
Petition Examiner
Office of Petitions

Attachment: replacement Filing Receipt

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/742,747	12/19/2003	3774	810	10057-702.501	60	3

CONFIRMATION NO. 4317

REPLACEMENT FILING RECEIPT

66854
SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Date Mailed: 11/25/2008

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)

David Reuter, Bothell, WA;
Gregory Nieminen, Bothell, WA;
Nathan Aronson, Seattle, WA;
Lucas Gordon, Issaquah, WA;
Garrett Beget, Bothell, WA;
Clifton A. Alferness, Port Orchard, WA;
Mark L. Mathis, Fremont, CA;

Assignment For Published Patent Application

Cardiac Dimensions, Inc. a Washington Corporation, Kirkland, WA

Power of Attorney: The patent practitioners associated with Customer Number 66854

Domestic Priority data as claimed by applicant

This application is a CIP of 09/855,945 05/14/2001 PAT 6,800,090

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/742,747**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Mitral valve regurgitation treatment device and method

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JUL 10 2006
OFFICE OF PETITIONS

In re Patent No. 6,898,293 :
Issue Date: May 24, 2005 :
Application No. 10/742,789 : ON PETITION
Filed: December 23, 2003 :
Patentee(s): Thomas Kaulberg :

This is a decision on the petition under 37 CFR 1.183 filed on August 26, 2005, which is being treated as a request under 37 CFR 3.81[1], to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

Finance records show that petitioner submitted $400 for treatment of the instant petition. However, a petition under 37 CFR 3.81 requires a processing fee of $130. Therefore, the overpayment of $270 will be refunded to petitioner's deposit account.

The patent file is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See Official Gazette of June 22, 2004*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas Heinzel et al.	:	
Application No. 10/742,793	:	ON PETITION
Filed: December 23, 2003	:	
Attorney Docket No. 08020.0016-00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 7, 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 August 2, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 3, 2006. The Notice of Abandonment was mailed on April 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 $1,500; and (3) an adequate statement of unintentional delay.

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

The application file is being referred to Technology Center AU 2161 for appropriate action on the concurrently filed amendment.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/11/2004

TO SPE OF : ART UNIT 3600

SUBJECT : Request for Certificate of Correction on Patent No.: 6,796,749

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-922
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.

Ernest C. White, LIE305-8339
Certificates of Correction Branch

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 to claim 4 is not approved. The rest is correct. claim 4 (original claim 18) indicated in last amendment as dependent from claim 1 (original claim 15)

K Matecki Ft Dillon

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
SPE

3654
Art Unit

C of C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE JC98 OCT 29 2004 PATENT & TRADEMARK OFFICE

In re Patent of :

John W. Pfeiffer et al. : Examiner J. Dillon

Application Serial No. 10/742,798 :
now U.S. Patent No. 6,796,749 B2 :

Issued: September 28, 2004 :

For: SYSTEM FOR PNEUMATICALLY CONVEYING BULK PARTICULATE MATERIALS

COMMUNICATION ACCOMPANYING REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Certificate
NOV 0 3 2004
of Correction

Sir:

Grantee of the subject Patent requests the issuance of a certificate of correction in the form as set forth in the draft certification submitted herewith to correct errors in the specification.

Specifically, the dependency of three claims is incorrect. Claims 4, 22 and 23 should be from claims 3, 7 and 8 respectively. Additionally, the last word of claim 5, line 4, i.e., "raid," should be "said."

As errors are the fault of the Patent Office, it is Applicant's understanding that no fee is due. If however, a fee is necessary, the Commissioner is hereby authorized to credit any overpayment and debit any under payment of fees in connection with this communication to deposit account 19-4375.

Respectfully submitted,

Peter N. Lalos
Reg. No. 19,789
STEVENS DAVIS MILLER & MOSHER, LLP
1615 L Street, N.W. Suite 850
Washington DC 20036
(202) 785-0100 Telephone
(202) 408-5200 Facsimile

Attorney Docket No. 21229Div.

NOV 0 9 2004

October 22, 2004

PTO/SB/44 (04-04)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,796,749 B2

DATED : September 28, 2004

INVENTOR(S) : John W. Pfeiffer et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 4, line 1, claim reference number "1" should read --3--.

Claim 5, line 4, "raid" should read --said--.

Claim 8, line 1, claim reference number "1" should read --7--.

Claim 9, line 1, claim reference number "7" should read --8--.

MAILING ADDRESS OF SENDER:

Peter N. Lalos - Stevens, Davis, Miller & Mosher, LLP
1615 L Street, NW, Suite 850
Washington, DC 20036-5622

PATENT NO. 6,796,749

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

NOV 0 9 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

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

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JAN 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Alain Lagrange :
Application No. 10/742,801 : LETTER REGARDING
Filed: December 23, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. 06028.0040-00 :

This letter is in response to the "COMMENT ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed November 30, 2006.

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

Applicants request review of the patent term adjustment calculations on the basis that an additional delay of 32 days should have been entered pursuant to 37 C.F.R. § 1.704(c)(10) for the filing of a Request for Continued Examination (RCE) after the mailing of a Notice of Allowance.

Applicants' attempt at candor is appreciated. However, just as applicant would not be reduced for filing within 3 months an Issue Fee transmittal in response to the Notice of Allowance and Fee Due, applicant is not reduced for exercising the option of filing an RCE instead of paying the Issue Fee. It is noted, however, that the filing of an RCE cuts off the accumulation of any additional patent term for the Office taking in excess of three years to issue the patent. See 37 CFR 1.703(b)(2).

In view thereof, it is concluded that the determination of PTA at the time of the mailing of the notice of allowance of ONE HUNDRED NINETY-SEVEN (197) days is correct.

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 applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application.

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
P.O. Box 1450
Alexandria, VA 22313-1450
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TROXELL LAW OFFICE PLLC
SUITE 1404 5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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JAN 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Chang : DECISION GRANTING PETITION
Application No. 10/742,805 :
Filed: 12-23-2003 :
Attorney Docket No. BHT-3212-50 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 30, 2006, to revive the above-identified application.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on April 26, 2006, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on July 27, 2006. A Notice of Abandonment was mailed on August 28, 2006.

Petitioner has met the requirements under 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**

This matter is being referred 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

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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Dinesh Agarwal, Esquire
LAW OFFICE - DINESH AGARWAL, P.C.
Suite 330
5350 Shawnee Road
Alexandria, VA 22312

Mail Date: 04/21/2010

Applicant	: Gerhard Heinrich	: DECISION ON REQUEST FOR
Patent Number	: 7615676	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,828	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **612** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Dinesh Agarwal, Esquire
LAW OFFICE - DINESH AGARWAL, P.C.
Suite 330
5350 Shawnee Road
Alexandria, VA 22312

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SEP 13 2006
OFFICE OF PETITIONS

In re Application of:	:	
Pampinella et al.	:	
Application No. 10/742,829	:	DECISION ON
Filed: December 23, 2003	:	PETITION
Attorney Docket Number:	:	
US1360/03(U)	:	

This is a decision in response to the Petition under 37 CFR 1.137(b), filed January 20, 2006, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office Communication mailed February 23, 2005. The Office Communication set a one (1) month period for reply, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned March 24, 2005. A Notice of Abandonment was mailed September 9, 2005.

With the instant petition, Petitioner has filed a Response to the Office communication. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2856 for processing of the Response in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAP / FINNEGAN HENDERSON LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Heinzel, et al. :
Application No. 10/742,832 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 08020.0018-00 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 11, 2009.

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 July 8, 2008. A Notice of Abandonment was mailed on January 16, 2009.

On petition, petitioner argues that he filed an Amendment on September 23, 2008. In support thereof, petitioner has included a copy of a USPTO date stamped postcard receipt, itemizing an Amendment and dated September 23, 2008 (July 20, 2008 fell on a Sunday). See MPEP 503.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2167 for consideration of the Amendment filed September 23, 2008 (a copy of which has been supplied with the instant petition).

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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SUITE 500
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OFFICE OF PETITIONS

In re Application of :
Gerald J. Banks :
Application No. 10/742,890 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. A-8753U :

This is a decision on the petition, filed December 10, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 18, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

It is noted petitioner submitted a check in the amount of $200 for treatment of this petition. Since the correct fee is $130, Counsel's deposit account is being credited the $70 overpayment.

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 2824 for further processing of the request for continued examination under 37 CFR 1.114 filed December 10, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/13/06

TO SPE OF : ART UNIT 3754

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/742899 Patent No.: 6955278

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. _____

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 3754 **Art Unit**

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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Robert I. Shor	:	
Application No. 10/742914	:	ON PETITION
Filing or 371(c) Date: 12/23/2003	:	
Attorney Docket Number:	:	
3180/3 CIP	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), June 21, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed November 1, 2006. The Office communication set a one (1) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on December 2, 2006.

Applicant files the present petition and response to the Office communication. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Restriction/Election Requirement; (2) the petition fee; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 3728 for processing of the response in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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WILEY, REIN & FIELDING, LLP
ATTN: PATENT ADMINISTRATION
1776 K. STREET N.W.
WASHINGTON DC 20006

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SEP 30 2005

OFFICE OF PETITIONS

Applicant: Pradier et al.
Appl. No.: 10/742,920
Filing Date: December 23, 2003
Title: RECOMBINANT ADENOVIRUSES CODING FOR BRAIN-DERIVED NEUROTROPHIC FACTOR (BDNF)
Attorney Docket No.: ST94014-US/A
Pub. No.: US 2004/0224409 A1
Pub. Date: November 11, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on January 10, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, as the front page of the publication references a Continuation-in-Part application No 08/403,868, which was not listed on the Application Data Sheet (ADS) filed with the application and preliminary amendments filed on June 1, 2004 were not included in the patent application publication.

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

The patent application publication does not include a mistake with respect to the continuity information printed on the front page of the publication because the ADS submitted on filing (copy of page enclosed) included the benefit claim to application No. 08/403,868.

---

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

The patent application publication does not include any mistakes with respect to the preliminary amendments in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a)[2], which says the following, in part:

> (a) ... The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

§ 1.215(c) says the following:

> (c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office has recently changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until this past year, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004). The preliminary amendment filed June 1, 2004 does not comply with 37 CFR 1.125(b). The applicant did not supply a copy of the application in compliance with 37 CFR 1.215(c). The Office correctly published the application in accordance with 37 CFR 1.215(a).

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

Applicant's request for a corrected patent application publication on January 10, 2005, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

---

[2]Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

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 in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

By facsimile: 571-273-8300

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

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

Enclosure: page 3 of ADS filed December 23, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ERIC ROBINSON
PMB 955
21010 SOUTHBANK STREET
POTOMAC FALLS, VA 20165

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Akira Ishikawa et al	:	
Application No. 10/742,955	:	DECISION GRANTING PETITION
Filed: December 23, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0756-7242	:	

This is a decision on the petition, filed May 30, 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 2, 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 1763 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\june10\742955.wpd

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS, VA 20165

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MAR 20 2008

OFFICE OF PETITIONS

In re Application of :
Akira Ishikawa et al :
Application No. 10/742,955 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 0756-7242

This is a decision on the petition, filed March 19, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 5, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1792 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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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 04/21/2010

Applicant	: David Robert Black	: DECISION ON REQUEST FOR
Patent Number	: 7640497	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,956	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **330** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 05/18/2010

Applicant	: David Robert Black	: NOTICE CONCERNING IMPROPER
Patent Number	: 7640497	: CALCULATION OF PATENT TERM
Issue Date	: 12/29/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 10/742,956	: IMPROPERLY MEASURING REDUCTION
Filed	: 12/22/2003	: 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 **365** 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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MICHAEL, BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Thomas P. James	: DECISION ON REQUEST FOR
Patent Number	: 7658012	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/742,969	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **14** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 06/14/2010

Applicant	: John W. Patchell	: DECISION ON REQUEST FOR
Patent Number	: 7634341	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/742,988	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **834** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DATE : 4/3/06 7/19/06

Paper No.: ———

TO SPE OF : ART UNIT 1756

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/742998 Patent No.: 6972166B2

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: Both COCIN filed 6/2/06 and 3/2/06 are approved.

SPE

1756
Art Unit

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

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SEP 0 5 2008

OFFICE OF PETITIONS

In re Application of :

Horie, et al. :

Application No. 10/743,018 : DECISION ON PETITION

Filed: December 23, 2003 :

Attorney Docket No. Q-79051

This is a decision on the petition under 37 CFR §1.137(b), August 14, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1440.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed April 9, 2008. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on July 10, 2008.

The issue fee and publication fee was received on August 14, 2008.

Form PTOL-85B, filed August 14, 2008, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JJGJR.: 01-05

Paper No: __

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

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JAN 2 7 2005

OFFICE OF PETITIONS

In re Application of
Kim, et al.
Application No. 10/743,036
Filing Date: 23 December, 2003
Attorney Docket No. 2950-0279P

DECISION ON PETITION

This is a decision on the petition filed on 28 October, 2004, and considered under 37 C.F.R. §1.53, to obtain a filing date of 23 December, 2003, for the application, including 8 sheets of drawings (Figs. 1 - 9), as described in the specification of the application.

The petition is **GRANTED**.

BACKGROUND

This nonprovisional application was deposited on 23 December, 2003, 2004.

On 13 October, 2004, the Office mailed a "Notice of Incomplete Nonprovisional Application," (the 13 October Notice) and indicated, *inter alia*, that a filing date had not been granted because the application had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

The 13 October Notice also informed Petitioner that the application would receive the filing date consistent with the submission of required drawings, or that Petitioner might evidence that either drawings were not necessary for the understanding of the invention or the application as submitted otherwise satisfied the statutory requirements for a filing date.

The petition filed on 28 October, 2004, states that it is accompanied, *inter alia*, by a date-stamped receipt card itemizing the contents of the application received by the Office and copies of 8 sheets of drawings (Figs. 1 - 9) as described in the specification.

ANALYSIS

A review of the record reveals that:

- the instant application was deposited with the Office on 23 December, 2003; and
- the receipt card (see: MPEP §503[1]) is date stamped ("DEC 23 2003") and provides, *inter alia*:

* * *

X Specification Consisting of: 24 pages

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[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).

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.)

X Combined Declaration & Power of Attorney copy

* * *

X Drawings 8 Sheets X Formal __ Informal __ Red Ink

* * *

The record further discloses that:

- the 8 sheets of drawings submitted with the petition contain, respectively, Fig. 1, Figs. 2 - 3, Fig. 4, Fig. 5, Fig. 6, Fig. 7, Fig. 8, and Fig. 9; and

- as indicated above, the receipt card date stamped by the Office acknowledges receipt of 8 sheets of drawings.

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that the 8 sheets of drawings (containing Figs. 1 - 9) as described in the specification were submitted on 23 December, 2003, and subsequently was misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**; the petition fee is waived and is refunded via Treasury check; and the Notice mailed on 13 October, 2004, hereby is withdrawn as to the drawings (and in particular as to the 8 sheets of drawings (containing Figs. 1 - 9) as described in the specification).

This application is released to the Office of Initial Patent Examination for further processing with a filing date of 23 December, 2003, for the entire application and in particular for the 8 sheets of drawings (containing Figs. 1 - 9) as described in the specification using:

- pages 1 - 24 (Specification, Claims, Abstract) deposited on 23 December, 2003; and

- the 8 sheets of drawings (containing Figs. 1 - 9) as described in the specification, deposited on 28 October, 2004;

- with direction to OIPE to correct Office records to reflect that 24 pages of specification (description, claims and abstract) and 8 sheets of drawings were present on filing on 23 December, 2003, and forward to Petitioner a corrected filing receipt setting forth a filing date of 23 December, 2003, reflecting therein that 24 pages of specification (description, claims and abstract) and 8 sheets of drawings were present on filing.

Thereafter, the application will be considered by the examiner 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

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JJGJR.: 02-06

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OFFICE OF PETITIONS

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

In re Application of :
Yamazaki, et al. :
Application No. 10/743,040 : DECISION
Filing Date: 23 December, 2003 :
Attorney Docket No. 1131-0492P :

This is a decision on the petition filed on 8 November, 2005, under 37 C.F.R. §1.181, and in light of the allegations also is considered under 37 C.F.R. §1.182.

For the reasons set forth below, the petition is **DISMISSED**.

NOTE: **It appears that the Notice of Allowance and Fees Due was mailed on 4 October, 2005. As of this writing, it does not appear that Petitioner has paid the fees in question, which were due on 4 January, 2006.**

As one registered to practice before the Office, Petitioner is aware that a petition filed under the provisions of 37 C.F.R. §1.181[1] does not stay the period for reply.

[1] The regulations at 37 C.F.R. §1.181 provide:

§ 1.181 Petition to the Commissioner.
(a) Petition may be taken to the Director:

Thus, in the absence of evidence to the contrary, it appears that the instant application is abandoned.

BACKGROUND

Petitioner avers that:

- on 13 July, 2005, he filed an after-final reply to a final Office action mailed on 13 April, 2005, and–upon receiving no reply from the Examiner–called on 26 September, 2005, to inquire as to the matter;
- the Examiner indicated that he had no received the after-final reply, and then retrieved the papers from "the Clerical Department";
- the Examiner called Petitioner and stated that he was sending out an Advisory Action;
- upon receipt of the Advisory Action on 28 September, 2005, Petitioner called the Examiner, and–as perpetuated in the Examiner's Interview record–authorized a three- (3-) month extension of time and agreed to cancel the single rejected claim in order to place

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(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

(2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

(3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

(d) Where a fee is required for a petition to the Director the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed.

(e) Oral hearing will not be granted except when considered necessary by the Director.

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

(g) The Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

[24 FR 10332, Dec. 22, 1959; 34 FR 18857, Nov. 26, 1969; paras. (d) and (g), 47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; para. (a), 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (f) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; paras. (a) and (c) revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; paras. (a), (a)(2)-(3), (c)-(e) & (g) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(3) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

the application in condition for allowance with remaining claims 2 - 9;

- Petitioner complains that the delay in moving Petitioner's after-final papers from "the Clerical Department" was the cause of Petitioner having to authorize and pay for a three-(3-) month extension of time, and these fees Petitioner demands be refunded.

A review of the finance records for this matter indicate that Petitioner was not charged at the filing the fee for the extension of time ($1,020.00), however, that oversight has been corrected and charged to Deposit Account 02-2448 consistent with Petitioner's written and oral authorization (confirmed in the Interview record).

Petitioner is reminded that:

- the file is an image file wrapper (IFW) and there is no paper file to retrieve from "the Clerical Department"; and

- the after-final amendment was not of right and not a proper reply to the final Office action in that the after-final reply did not *prima facie* place the application in condition for allowance.[2]

Thus, the record is clear that at the end of the shortened statutory period Petitioner chose to file an after-final reply–a reply that did not place the application in condition for allowance.

Further, Petitioner's choice and its timing required *de facto* that an extension of time would be required to prevent the application from going abandoned if for any reason the Examiner's found that the application was not in condition for allowance.

CONCLUSION

Petitioner has failed to carry his burden herein.

Therefore, the petition is **dismissed**.

The application is released to await Petitioner's filing of a petition to revive, with fee and reply.

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[2] A proper reply is a an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or RCE (with fee and submission). (See: MPEP §711.03(c).)

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080416A

DATE : April 16, 2008

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7,132,982

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

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

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: Thomas H. Tarcza **Art Unit** 3662

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080416

DATE : April 01, 2009

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7,088,284

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:

/THOMAS H TARCZA/
Supervisory Patent Examiner.Art Unit 3662

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FALLS CHURCH VA 22040-0747

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DEC 16 2004

OFFICE OF PETITIONS

In re Application of :
Toshifumi Sugisawa :
Application No. 10/743,043 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 1403-0260P :

This is a decision on the petition, filed December 14, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 11, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2855 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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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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OFFICE OF PETITIONS

In re Application of
Hurwitz et al.
Application No. 10/743,047
Filed: December 23, 2003
Attorney Docket Number: 42339-191609

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR §1.47(a), filed September 14, 2004.

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 address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. 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 December 23, 2003, without a signed oath or declaration. Accordingly, on April 2, 2004, a " Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision, an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of February 23, 2004.

In response, on September 14, 2004, applicant submitted a $130.00 surcharge for late filing oath or declaration fee, petition, and a partially executed declaration. To make timely a four month extension of time was provided.

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) and (2) as set forth above.

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 the declaration and assignment were sent to inventor 's last known address on two different occasions. However, rule 47 applicant did not indicate a copy of the application papers (specification, including claims, drawings, and oath or declaration) were 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 Shimoda a statement to that effect should be provided.

As to item (2), the declaration provided has contradictory identifiers. Although the correct application number (10/743,047) is provided the declaration also contains the incorrect title of the application. The title provided in the declaration is "Locking Mobile Devices in a Personal Area Network (PAN). However, the title as provided in the specification and the application data sheet submitted upon filing is "Priority Based Synchronization of Data in a Personal Area Network". A newly executed declaration which meets the requirements of 37 CFR 1.63 (b)(1).

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 220 20th Street S Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
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
www.uspto.gov

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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JAN 31 2005

OFFICE OF PETITIONS

In re Application of
Hurwitz et al.
Application No.10/743,047
Filed: December 23, 2003
Attorney Docket Number: 42339-191609
Title: Priority Based Synchronization of Data in a Personal Area Network

DECISION

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 10, 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 **Dismissed As 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 will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

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
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Paper No.

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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OFFICE OF PETITIONS

In re Application of Rajesh Banginwar and Jonathan Gitlin Application No. 10/743,049 Filing Date: December 23, 2003 Attorney Docket No. 42339-191611 Title: CONFLICT RESOLUTION DURING DATA SYNCHRONIZATION	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "PETITION UNDER RULE 1.47(a)," filed August 13, 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 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 December 23, 2003, without an executed oath or declaration. Accordingly, on April 2, 2004, the Office mailed a "Notice to File Missing Parts of Application," requiring, inter alia, an executed oath or declaration and the surcharge under § 1.16(e) for its late filing. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

Applicant replied with inter alia the instant petition under § 1.47; payment of the petition fee and of the late surcharge; and a declaration executed by joint inventor Rajesh Banginwar on behalf of himself and on behalf of non-signing inventor Jonathan Gitlin. This reply was made timely by an accompanying petition for an extension for response within the third month (and fee). Rule 47 applicant asserts that status under § 1.47 is proper because the co-inventor, Jonathan Gitlin, has not been able to be reached to execute the Declaration and Assignment documents after repeated attempts to obtain his signature.

A grantable petition under 37 CFR § 1.47(a) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63 and 1.64 or 1.175; (2) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The petition included payment of the petition fee; and a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because requirement (2) has not been satisfied. Petitioner has not shown that inventor Gitlin cannot be found or reached after diligent effort to be presented with all of the application papers. The petition does not include adequate evidence to support a conclusion that diligent efforts have been made to find or reach inventor Gitlin to have him join in this application. Having been unsuccessful in contacting inventor Gitlin by mail, there is no indication that Rule 47 applicant attempted to determine inventor Gitlin's forwarding address, and to send the application papers to that address for consideration by inventor Gitlin[1]. See MPEP 409.03(d). If attempts to obtain a forwarding address or to locate the non-signing inventor by other means, reflecting diligence, such as through E-mail, a new telephone number, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37 CFR 1.47 that the inventor cannot be reached or found after diligent effort. Details of the efforts to locate non-signing inventor Gitlin should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. (e.g. the petition should include a declaration of facts of Tim Teckman) Applicant should also submit documentary evidence such as the results of any E-mail or Internet searches.

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

By mail: Mail Stop Petition
Commissioner for Patents

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[1] Petitioner is advised that, even if, they could show that inventor Gitlin received their mailings, the evidence would be insufficient to show, by his conduct in not responding, that he refused to join in the application. Before a refusal can be alleged, applicant must demonstrate 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. See MPEP 409.03(d). The evidence only indicates that applicant attempted to present a Declaration and Assignment forms to the inventor. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

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

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, **other than the USPS**, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309 (or effective September 28, 2004 at (571) 272-3219).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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OFFICE OF PETITIONS

In re Application of	:	
Rafesh Banginwar and	:	DECISION ACCORDING STATUS
Jonathan Gitlin	:	UNDER 37 CFR 1.47(a)
Application No. 10/743,049	:	
Filed: December 23, 2003	:	
Atty Docket No. 42339-191611	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(a)" filed November 8, 2004. This petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on December 23, 2003, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Application" mailed April 2, 2004, on August 13, 2004, applicant filed the initial petition under § 1.47. Rule 47 applicant asserted that status under § 1.47 is proper because the co-inventor, Jonathan Gitlin, has not been able to be reached to execute the Declaration and Assignment documents after repeated attempts to obtain his signature.

By decision mailed September 8, 2004, the petition was dismissed. Applicant had not submitted adequate proof that the non-signing inventor could not be found or reached after diligent effort, as alleged. (All other requirements of 37 CFR 1.47(a) were satisfied).

On instant renewed petition, applicant submits evidence (including a copy of the cover letter transmitting the papers and the returned envelope) of an attempt to present all of the

application papers to non-signing inventor Gitlin at his last known address. The mailing was returned as "not deliverable as addressed, unable to forward." Further, applicant has submitted evidence of attempts to determine a forwarding address for inventor Gitlin. The evidence includes copies of Internet searches. Applicant's evidence has been considered and it is determined that applicant has submitted adequate proof the inventor Gitlin cannot be found or reached after diligent effort to join in the application.

In view thereof, 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.

Telephone inquiries related 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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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MR. JONATHAN A. GITLIN
1250 NE PARKSIDE DRIVE
HILLSBORO OREGON 97124

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MAY 05 2008

OFFICE OF PETITIONS

In re Application of :
Rafesh Banginwar and :
Jonathan Gitlin : LETTER
Application No. 10/743,049 :
Filed: December 23, 2003 :
Atty Docket No. 42339-191611 :

Dear Mr. Gitlin:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

VENABLE, BAETJER, HOWARD
AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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MARIA PARRISH TUNGOL
SUITE 100
211 NORTH UNION STREET
ALEXANDRIA VA 22314

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Sung Mook CHOI et al. :
Application No. 10/743,056 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. **DKC 1120** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b) (2)) within the time period provided in 37 CFR 41.37(a) (1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed April 14, 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). As no claim was allowed, the application became abandoned on June 15, 2008. *See* MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of April 14, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1791 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.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petition

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

NOVAK DRUCE DELUCA & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST TOWER
WASHINGTON DC 20005

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DEC 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Bartholomeyzik et al.	:	
Application No. 10/743,059	:	DECISION ON
Filed: December 23, 2003	:	PETITION
Attorney Docket No. 54209	:	

This is a decision on the PETITION UNDER 37 CFR § 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT filed October 24, 2006.

The above-identified application became abandoned for failure to file a reply to the final Office action mailed March 23, 2006. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under 37 CFR §1.136(a). No reply having been received and no extensions obtained, the above-identified application became abandoned effective June 24, 2006. A courtesy Notice of Abandonment was mailed on October 11, 2006.

In response, applicants filed the instant petition, asserting that the Office action was never received and requesting that the holding of abandonment be withdrawn. Practitioner asserts that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, petitioner attaches copies of the docket record where the non-received Office communication would have been entered had it been received and docketed. Additionally, petitioner notes that the Office received a change of correspondence address on March 1, 2006; however, the final Office action mailed March 23, 2006 was mailed to the prior address.

A review of the record confirms an irregularity in the mailing of the Office action. A proper change of correspondence address was filed March 1, 2006, before the mailing of the final Office action on March 23, 2006 (This change was accepted on March 28, 2006). The Office action was mailed to the uncorrected address and returned as undeliverable. Under the circumstances, withdrawal of the holding of abandonment is warranted.

In view thereof, the notice of abandonment mailed October 11, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1745 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 re-mailing of the final Office action mailed March 23, 2006 and for restarting of the period for reply.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 14 2006

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/743,108 Patent No.: PP15277

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: _____

_____

_____

_____

_____

_____ 1661

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

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OFFICE OF PETITIONS

In re Application of
Kazunobu **MARUO, et al.**
Application No. 10/743,115
Filed: December 22, 2003
Attorney Docket No. **28682/38519**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 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, January 17, 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 18, 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 $1500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center Art Unit 1714 for consideration of the amendment filed September 7, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

04/02/04

Weingarten, Schurgin, Gagnebin & Lebovici LLP
Ten Post Office Square
Boston, MA 02109

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/743124 received on 02/06/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

05/24/04

Stanley M. Schurgin
Weingarten, Schurgin, Gagnebin & Lebovici LLP
Ten Post Office Square
Boston, MA 02109

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/743124 received on 05/03/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

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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
10/743,125	12/22/2003	3731	1132	2500DV2CN2DV3CN6	11	10	1

CONFIRMATION NO. 7494

Kimberly V. Perry, Esq.
U.S. Surgical
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, CT 06856

CORRECTED FILING RECEIPT

OC000000013066004

Date Mailed: 06/28/2004

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)

Peter M. Bonutti, Effingham, IL;

Domestic Priority data as claimed by applicant

This application is a CON of 10/662,923 09/15/2003
which is a CON of 09/526,949 03/16/2000 PAT 6,620,181
which is a CON of 08/464,143 06/05/1995 PAT 6,187,023
and is a CON of 08/593,299 01/29/1996 PAT 6,017,305
which is a DIV of 08/419,851 04/10/1995 ABN
which is a CON of 08/216,097 03/22/1994 ABN
which is a CON of 08/054,416 04/28/1993 ABN
which is a DIV of 07/731,534 07/17/1991 PAT 5,163,949
which is a DIV of 07/487,645 03/02/1990 PAT 5,331,975

Foreign Applications

If Required, Foreign Filing License Granted: 04/02/2004

Projected Publication Date: 07/15/2004

Non-Publication Request: No

Early Publication Request: No

Title

Fluid operated retractors

Preliminary Class

606

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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042006

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

APR 1 1 2006

In re Application of:
Katsuhiko Hayashi
Serial No.: 10/743,129
Filed: December 23, 2003
Attorney Docket No.: 246923US2

DECISION ON PETITION

This is a decision on the petition filed on July 22, 2005, under 37 C.F.R. § 1.181, requesting the Commissioner to invoke his supervisory authority to compel reconsideration by the examiner of her statement of reasons for allowance. The petition is before of the Director of Technology Center 2800 for review.

The petition is **DISMISSED**.

Petitioner asserts that in the Reasons for Allowance set forth in the Notice of Allowability of May 4, 2005, constitutes an error because the examiner inappropriately mischaracterizes the invention by placing unwarranted interpretation of the claims on record.

As set forth in 37 CFR 1.104(e) and MPEP 1302.14, an examiner may set forth his or her reasoning in support of his or her allowance of the claims. While petitioner may disagree with the examiner's statements, such does not clearly demonstrate that there is an error on the part of the PTO. See In re Volk, 634 F.2d 607, 207 USPQ 1086, (CCPA 1980) (examiner's contested construction of the allowed claims was not expunged from the record, and was permitted to stand). Moreover, petitioner's comments on the examiner's statements would generally not be referred to the examiner since the examiner's statement should not create an estoppel. Only applicant's statements should create an estoppel. See MPEP 1302.14, which states:

> "The application file generally will not be returned to the examiner after the entry of such comments made by applicant on the examiner's statement of reasons for allowance."

Petitioner supplies reasons in support of his contention that the interpretation of the examiner is in error. As such, petitioner has exercised, by way of the instant communication (and may still exercise), his right under 37 CFR 1.104(e), to place his comments on the record in reply to the examiner's statements..

Petitioner may wish to consider **promptly** filing comments under 37 CFR 1.104(e).

The application file is being forwarded to Publishing Division to be processed into a patent.

Inquiries regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Robert Oberleitner, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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DONALD W. MEEKER
924 EAST OCEAN FRONT #E
NEWPORT BEACH, CA 92661

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In re Application of	:	
William G. Reeson	:	
Application No. 10/743,154	:	ON PETITION
Filed: December 21, 2003	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 19, 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) were obtained. Accordingly, the above-identified application became abandoned on July 20, 2005.

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

This matter is being referred to Technology Center AU 1725 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

COPY MAILED

DEC 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Anke Esperester et al. :
Application No. 10/743,170 : DECISION ON PETITION
Filed: December 22, 2003 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number: :
1/1445US :
Title: FILM COATED TABLET :
CONTAINING AN EXTRACT OF RED
VINE LEAVES

This is a decision on the petition filed on August 4, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 15, 2005, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 16, 2006. A notice of abandonment was mailed on June 30, 2006.

---

1 A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the present petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required.

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment, which was received with the present petition, can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Richard E. Gamache
Weingarten, Schurgin, Gagnebin & Lebovici LLP
Ten Post Office Square
Boston, MA 02109

Dear Applicant:

The Box PGPub replacement drawings for application number 10/743171 received on 01/15/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

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Alexandria, VA 22313-1450
www.uspto.gov
DNW 09-04

KIMBERLY V. PERRY, ESQ.
U.S. SURGICAL
A DIVISION OF TYCO HEALTHCARE GROUP, LP
150 GLOVER AVENUE
NORWALK CT 06856

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SEP 22 2004

OFFICE OF PETITIONS

In re Application of	:
Peter M. Bonutti	:
Application No. 10/743,192	:DECISION GRANTING PETITION
Filed: 22 December, 2003	:
Atty Dkt. No. 2500DV2CN2DV3CN7	:

This is a decision in reference to the request for corrected filing receipt filed on 10 June, 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 22 December, 2003, instead of the presently accorded filing date of 19 December, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 22 December, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 22 December, 2003, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. ET710031050US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file).

Although the pickup date on the copy of the Pickup Service Statement provided is illegible, a search of the USPS Internet Track & Confirm Database reveals that this Express Mail Label No. was accepted by the USPS on 22 December, 2003.

In view of the above, the petition is granted. No petition fee is required.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 22 December,

2003, not 19 December, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Track & Confirm

Shipment Details

You entered ET71 0031 050U S

Your item was delivered at 11:12 am on December 23, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by E BORTON. Detailed shipping information has been restored from files offline.

Here is what happened earlier:

- ARRIVAL AT UNIT, December 23, 2003, 8:47 am, DULLES, VA 20102
- ENROUTE, December 22, 2003, 7:52 pm, STAMFORD, CT 06910
- ACCEPTANCE, December 22, 2003, 6:16 pm, NORWALK, CT 06854

Notification Options

▸ **Request Proof of Delivery** What is this? Go>

Track & Confirm

Enter label number:

Go>

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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
10/743,192	12/22/2003	3731	770	2500DV2CN2DV3CN7	11	9	1

CONFIRMATION NO. 6862

CORRECTED FILING RECEIPT

OC000000013864125

Kimberly V. Perry, Esq.
U.S. Surgical
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, CT 06856

Date Mailed: 09/23/2004

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)

Peter M. Bonutti, Effingham, IL;

Power of Attorney:

Kimberly Perry--43612

Domestic Priority data as claimed by applicant

This application is a CON of 10/662,923 09/15/2003
which is a CON of 09/526,949 03/16/2000 PAT 6,620,181
which is a CON of 08/464,143 06/05/1995 PAT 6,187,023

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/743,192

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Fluid operated retractors

Preliminary Class

606

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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Mark Nowotarski
MPA-LLC
30 Glen Terrace
Stanford, CT 06906

In re application of : **DECISION ON PETITION**
Kiritharan Parankirinathan : **TO MAKE SPECIAL**
Application No. 10/743,201 : **(ACCELERATED**
Filed: December 22, 2003 : **EXAMINATION)**
For: METHOD OF CALCULATING PREMIUN :
PAYMENT TO COVER THE RISK ATTRIBUTABLE
TO INSUREDS SURVIVING A SPECIFIED PERIOD

This is in response to the petition filed on June 3, 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(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/vdb: 10/6/04

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3M INNOVATIVE PROPERTIES COMPANY
P O BOX 33427
ST. PAUL, MN 55133-3427

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Daniel H. Carlson et al :
Application No. 10/743,206 : DECISION GRANTING PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 59348US002 :

This is a decision on the petition, filed May 2, 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 5, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2125 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement filed of even date.

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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OFFICE OF PETITIONS

In re Application of :
Daniel H. Carlson :
Application No. 10/743,206 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 59348US002 :

This is a decision on the petition, filed August 19, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 10, 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 3508 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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SCOTTSDALE, AZ 85251

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OFFICE OF PETITIONS

In re Application of	:	
Ford, Michael Brent	:	
Application No. 10/743,232	:	ON PETITION
Filed: December 23, 2003	:	
Attorney Docket No. 4148P2463CIP1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 6, 2004, 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 25, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 28, 2004. A Notice of Abandonment was mailed on November 2, 2004.

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

This matter is now being referred to the Publishing 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
Office of the Deputy Commissioner
for Patent Examination Policy

51

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Paper No. 20061023

J Grant Houston
AXSUN TECHNOLOGIES INC
1 Fortune Drive
Billerica MA 01821

MAILED FROM
DIRECTORS OFFICE
OCT 30 2006
TECHNOLOGY CENTER 2800

In re App:	Verghese, Paul Mattackal	:	DECISION ON PEITION FILED
Ser. No.:	10/743,238	:	October 23, 2006
Filing Date:	December 22, 2003	:	
For:	DUAL MEMBER SINGLE CAVITY FABRY PEROT MEMS FILTER	:	

Petitioner filed a petition on June 5, 2005, under Rule 181, in which: (1) the drawing objections; and, (2) the new matter objection to the specification and rejection of claim 14 are each petitioned. Further, along with this said petition, Petitioner filed a Request for Continued Examination.

The petition has been **dismissed** as being moot based on the filing of the Request for Continued Examination.

However, each of the issues raised in the petition will be addressed by the Examiner in the next office action.

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,238	12/22/2003	Paul Mattackal Verghese	0005.1120US1	6972

25263 7590 02/25/2008

HOUSTON ELISEEVA LLP
4 MILITIA DRIVE
SUITE 4
LEXINGTON, MA 02421

EXAMINER	
CHANG, AUDREY Y	
ART UNIT	**PAPER NUMBER**
2872	

MAIL DATE	DELIVERY MODE
02/25/2008	PAPER

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

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

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HOUSTON ELISEEVA LLP
4 MILITIA DRIVE
SUITE 4
LEXINGTON MA 02421

In re Application of	:	
PAUL MATTACKAL VERGHESE	:	DECISION ON PETITION
Serial No.: 10/743,238	:	UNDER 37 CFR 1.181
Filed: December 22, 2003	:	
For: DUAL MEMBRANE SINGLE CAVITY FABRY PEROT MEMS FILTER	:	

This is a decision on the petition filed on April 06, 2007, regarding the Drawing Objections under 37 C.F.R. 1.83 (a) made by the Examiner in the non-final rejection of November 6, 2006.

The petition is **GRANTED**.

Accordingly, the Drawing Objection is withdrawn and this application is being forwarded to the examiner for appropriate action consistent with this decision.

Stephone B. Allen
SPE, Art Unit 2872

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 22, 2006

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/743247 Patent No.: 7,071,069

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: _____

[signature] 2822

SPE **Art Unit**

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MENDELSOHN AND ASSOCIATES PC
1515 MARKET STREET
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PHILADELPHIA, PA 19102

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OFFICE OF PETITIONS

In re Application of :
Dustin Carr, Ho Bun Chan and :
Alex Tran : DECISION REFUSING STATUS
Application No. 10/743,253 : UNDER 37 C.F.R. § 1.47(a)
Filed: December 22, 2003 :
Title: OPTICAL SUBSTANCE ANALYZER :
Attorney Docket No. Carr 8-4-5 :

This is a decision on the "PETITION UNDER 37 CFR 1.47(a)," filed May 26, 2004.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 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 December 22, 2003, with an unexecuted declaration, missing the basic statutory filing fee and with additional claim fees due. Accordingly, on April 5, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring the missing items, including an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants timely filed the instant petition; payment of the missing fees; the late surcharge under § 1.16(e); along with a declaration executed by inventors Chan and Tran on behalf of themselves and on behalf of non-signing inventor Carr. Applicants assert that status under § 1.47(a) is proper because joint inventor Carr is uncooperative.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, 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 requirement (1).

Petitioner has not shown that inventor Carr has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate 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. See MPEP 409.03(d). The evidence only indicates that attempts were made to present the declaration and assignment papers to inventor Carr. The petition includes a statement by patent attorney Yuri Gruzdkov that we have provided all inventors with a copy of the application as filed on December 22, 2003. However, this statement is inconsistent with the evidence submitted reflecting submission of only the declaration and assignment papers.

Further, by email communication dated December 17, 2003, inventor Carr provided his address. Yet, the evidence submitted indicates that all attempts to contact inventor Carr by mail were addressed to a different address, his work address. So even if the mailings included the application as filed, rule 47 applicants did not send the papers to the address where inventor Carr indicated that he customarily receives mail.

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

Thus, on renewed petition, applicants must establish that the entire application package, including specification, claims and drawings, was presented to non-signing inventor Carr and he subsequently refused to sign. If they have not already been sent, a copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the inventor is represented by counsel, to the address of the non-signing inventor's attorney.

Furthermore, unless rule 47 applicants can establish inventor Carr's actual receipt of the application papers at Sandia National Laboratories, the application papers should be sent to the address provided by inventor Carr, his home address, rather than to a large quasi-governmental agency. Otherwise, a showing of refusal by conduct, in not responding, is not adequately supported.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(703) 872-9306 ATTN: NANCY JOHNSON SENIOR PETITIONS ATTORNEY
By hand:	Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows: U.S. Patent and Trademark Office 220 20th Street S. Customer Window, Mail Stop _____ Crystal Plaza Two, Lobby, Room IB03 Arlington, VA 22202

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PHILADELPHIA, PA 19102

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OFFICE OF PETITIONS

In re Application of :
Dustin Carr, Ho Bun Chan and :
Alex Tran : DECISION ACCORDING STATUS
Application No. 10/743,253 : UNDER 37 C.F.R. § 1.47(a)
Filed: December 22, 2003 :
Title: OPTICAL SUBSTANCE ANALYZER :
Attorney Docket No. Carr 8-4-5 :

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.47(a)," filed September 24, 2004.

The petition is **GRANTED**.

The above-identified application was filed on December 22, 2003, with an unexecuted declaration, missing the basic statutory filing fee and with additional claim fees due. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," mailed April 5, 2004, on May 26, 2004, applicants filed the initial petition under 1.47(a). However, by decision mailed August 4, 2004, the petition was dismissed for failure to show that inventor Carr had refused to join in the application. Petitioner had failed to demonstrate that a *bona fide* attempt had been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

Applicants have now provided adequate evidence that the entire application package, including specification, claims and drawings, were sent by Express Mail delivery to inventor Carr and by his failure to respond he has refused to join in the application.

The declaration filed May 26, 2004, and the petition have been reviewed and are now found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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

The application will be examined in Technology Center 2874 in due course.

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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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

In re Application of :
Eric C. Steindorf :
Application No. 10/743,260 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. KCX-771 (19263) :

This is a decision on the petition, filed September 8, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for a failure to take appropriate action in a timely manner after the decision of November 13, 2008 by the Board of Patent Appeals and Interferences. A Notice of Abandonment was mailed on January 6, 2009. On September 8, 2009, the present petition was filed.

Petitioner argues that the Notice of Abandonment issued prematurely, since a Request for Continued Examination (RCE) was filed within the period set for response or to request reconsideration.

A review of the record discloses that petitioner is correct. In view of the decision by Board of Appeals and Interferences on November 13, 2008, applicant had until January 13, 2009 to file a response to continue prosecution. Since the RCE was filed on January 9, 2009, the Notice of Abandonment was mailed in error. Accordingly, the Notice of Abandonment of January 6, 2009 is hereby vacated.

The application is being referred to the Technology Center technical support staff of Art Unit 3772 for withdrawing the holding of abandonment and then for processing the January 9, 2009 RCE in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PILLSBURY WINTHROP SHAW PITTMAN LLP
P. O. BOX 10500
McLEAN, VA 22102

In re Application of :
Helmar Van Santen et al :
Application No. 10/743,271 : DECISION GRANTING PETITION
Filed: December 23, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 081468-0307331 :

This is a decision on the petition, filed July 31, 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 June 29, 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 2851 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\aug10\743271.wpd

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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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 06/03/2010

Applicant	: Anita Melikian	: DECISION ON REQUEST FOR
Patent Number	: 7649011	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/743,281	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1274** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

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OFFICE OF PETITIONS

In re Application of :
Joong Seo Park :
Application No. 10/743284 :
Filing or 371(c) Date: 12/23/2003 :
Attorney Docket Number: :
YHK-0112 : ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181(a), filed July 13, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment (Notice), mailed July 31, 2006. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned August 14, 2006. A Notice of Abandonment was mailed June 15, 2007.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action was filed on August 3, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on August 3, 2006.

"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.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2821 for processing of the Reply, and for continued examination 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

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ACCENTURE, LLP
C/O HOGAN & HARTSON, LLP (IPGROUP)
555 13TH STREET NW, SUITE 600E
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of	:
Elms, et al.	: DECISION REFUSING STATUS
Application No. 10/743,321	: UNDER 37 CFR 1.47(a)
Filed: December 23, 2004	:
Atty. Dkt. No.: 86769-0026 US	:
For: SECURE ELECTRONIC	:
REGISTRATION AND VOTING	:
SOLUTION	:

This decision is in response to the petition under 37 CFR 1.47(a), filed November 4, 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).

The above-identified application was filed March 2, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed May 21, 2004 requiring, *inter alia*, 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 fails to satisfy item (2) set forth above. An oath or declaration for the patent application in compliance

with 37 CFR 1.63 and 1.64 still has not been presented. The first page of the declaration does not list all joint inventors. The declaration is not properly numbered, i.e.; 1 of 2; 2 of 2. The declaration is instead numbered Page 2, Page 3, Page 3, Page 3, and Page 5. The first page of the declaration is not numbered. Moreover, the declaration identifies two inventors individually on two separate sheets of paper without reference to the other joint inventors. The Declaration should set forth all of the joint inventors on the same page to ensure that each named inventor is aware of the other named inventors of the subject matter. Subsequent sheets should be properly numbered, i.e., page 1 of 2. For this reason, an oath or declaration in compliance with 37 CFR 1.63 and 1.64 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 P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 308-6916
By hand:	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 (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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ACCENTURE, LLP
C/O HOGAN & HARTSON, LLP (IPGROUP)
555 13TH STREET NW, SUITE 600E
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of	:
Elms, et al.	: DECISION REFUSING STATUS
Application No. 10/743,321	: UNDER 37 CFR 1.47(a)
Filed: December 23, 2004	:
Atty. Dkt. No.: 86769-0026 US	:
For: SECURE ELECTRONIC	:
REGISTRATION AND VOTING	:
SOLUTION	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed March 21, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventor Peter Elms has refused to sign the declaration after having been presented with the application papers.

Thus, 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 regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Peter Elms
4215 Oakridge Lane
Chevy Chase, Maryland 20815

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JUN 16 2005

OFFICE OF PETITIONS

In re Application of :
Elms, et al. :
Application No. 10/743,321 : LETTER
Filed: December 23, 2004 :
Atty. Dkt. No.: 86769-0026 US :
For: SECURE ELECTRONIC :
REGISTRATION AND VOTING :
SOLUTION :

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 (571) 272-3205. 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 regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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C/O HOGAN & HARTSON, LLP (IPGROUP)
555 13TH STREET NW, SUITE 600E
WASHINGTON, DC 20004

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MAR 17 2006

OFFICE OF PETITIONS

In re Application of :
Elms, et al. : DECISION
Application No. 10/743,321 :
Filed: December 23, 2003 :
Dkt. No.: 86769-0026 US :

This decision is in response to the "STATEMENT UNDER 37 CFR 1.47(a) AND REQUEST TO WITHDRAW GRANT OF PETITION UNDER 37 CFR 1.47(a)," filed January 13, 2006.

The request is **DISMISSED**.

The legal representative of non-signing inventor Peter Elms herein requests that the previous grant of Rule 47 status be withdrawn.

The legal representative of non-signing inventor Peter Elms further states that Mr. Elm's believes the inventive entity of the instant application consists of Peter Elms and David K. Black. The legal representative of non-signing inventor Peter Elms has presented a declaration to this effect signed by Mr. Elms.

The request for withdrawal of Rule 47 status is subject to dismissal as once granted, Rule 47 status is not subject to withdrawal irrespective of the fact that the non-signing inventor may elect to join the application by executing an acceptable oath or declaration in compliance with 37 CFR 1.63 and 1.64. The papers filed by the legal representative of the non-signing inventor, including papers relating to the Rule 47 status accorded this application, have been placed in the application file wrapper.

The papers submitted by the legal representative of the non-signing inventor establish that the non-signing inventor has elected not to "join" the instant application as to do so requires the submission of an oath or declaration in compliance with 37 CFR 1.63 and 1.64 setting forth the inventive entity as declared by applicants and executed by the non-signing inventor.

As the legal representative of the non-signing inventor is no doubt aware, if the non-signing inventor feels that the inventive entity is that other than as set forth in this application, the non-

signing inventor may file his own application and request that his application be placed in interference with the 37 CFR 1.47 application. If the claims in both the nonsigning inventor's application and the 37 CFR 1.47 application are otherwise found allowable, an interference may be declared.

Insofar as the non-signing inventor's rights in the instant application, the legal representative of the non-signing inventor is directed to MPEP 409.03(i) for further guidance.

As the legal representative of the non-signing inventor is also no doubt aware, the United States Patent and Trademark Office does not engage in dual correspondence. The instant decision is being mailed to the legal representative of the non-signing inventor solely as a courtesy, particularly in light of the fact that the non-signing inventor has NOT joined the application by submitting an acceptable oath or declaration in compliance with 37 CFR 1.63 and 1.64. *See* MPEP 403.

Thus, the legal representative of the non-signing inventor and the non-signing inventor are advised that no further correspondence will be forth coming from the Office to either the legal representative of the non-signing inventor or non-signing inventor.

Should the non-signing inventor elect to join the application, an acceptable oath or declaration in compliance with 37 CFR 1.63 and 1.64 that includes the entire inventive entity set forth by applicants the should be submitted.

This application is being forwarded to Technology Center 2100.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3205. The undersigned, in all likelihood, would be disinclined to communicate with the legal representative of the non-signing inventor as the legal representative of the non-signing inventor is not properly empowered to make representations before United States Patent and Trademark Office with regard to this application.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: SHANE HUNTER
MINTZ, LEVIN, et al.
ONE FINANCIAL CENTER
BOSTON, MA 02111

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MAR 17 2008

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of :
INUKAI, Kazutaka :
Application No. 10/743,344 : DECISION ON PETITION
Filed: December 23, 2003 : TO WITHDRAW
Attorney Docket No. **12732-201001 / US6877** : 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, 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, no longer employed at Fish & Richardson P.C., does not meet any the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Samir Raiyani	: DECISION ON REQUEST FOR
Patent Number	: 7603291	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,348	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1328** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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OFFICE OF PETITIONS

Applicant: Manolagas et al.
Appl. No.: 10/743,360
Filing Date: December 22, 2003
Title: METHODS OF SCREENING FOR APOPTOSIS-CONTROLLING AGENTS FOR BONE ANABOLIC THERAPIES AND USES THEREOF
Attorney Docket No.: 3650.1004-008
Pub. No.: US 2004/0224884 A1
Pub. Date: November 11, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on November 29, 2004 for the above-identified application.

The request is granted.

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

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

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

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of :
Harry S. Sowden et al :
Application No. 10/743,364 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. :
MCP0293-DIV2

This is a decision on the petition under 37 CFR 1.137(b), filed August 30, 3007, 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 July 23, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed April 23, 2007. A Notice of Abandonment was mailed on August 16, 2007.

The petition is accompanied by a Request for Continued Examination (RCE) under 37 CFR 1.114 and an Information Disclosure Statement. However, where an application became abandoned for failure to timely pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. *See* 35 U.S.C. § 41(a)(7) and 151 and MPEP 711.03(c)(II)(A)(1). Therefore, the filing of an RCE under 37 CFR 1.114 is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1) in this case. In view of the authorization appearing in the petition, the $1,400 issue fee, as well as the $300 publication fee, will be charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) payment of the $1,400 issue fee and $300 for the publication fee, (2) the petition fee of $1,500, and (3) an adequate statement of unintentional delay.

Accordingly, the failure to timely pay the issue and publication fees is accepted as being unintentionally delayed.

The rule at 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.

Petitioner is advised that the issue fee paid 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 concerning this decision should be directed to the undersigned at (571) 272-3218 or to the Office of Petitions Help Desk at (571) 272-3282 after January 3, 2008.

This application is being referred to Technology Center AU 1722 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the Information Disclosure Statement submitted with the petition.

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 Part B - Fee(s) Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov
DIW Feb-07

WALTER J, TENCZA JR.
10 STATION PLACE, SUITE 3
METUCHEN NJ 08840

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FEB 2 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,038,616	:	
Issued: 2 May, 2006	:	
Application No. 10/743,368	:	LETTER DISMISSING PETITION
Filed: 22 December, 2003	:	
For: TARGET IDENTIFICATION FROM A POOL OF TARGETS USING A NEW ADAPTIVE TRANSMITTER-RECEIVER DESIGN	:	

This is a decision on the paper filed on 16 May, 2006, styled as a petition under 37 CFR 1.182, to correct the sole inventor's name.

The petition is **DISMISSED** for the reasons stated below.

Petitioner states that the inventor's name was not correctly stated in Office records. Specifically, the inventor's middle initial was inadvertently placed before the inventor's first name, and the inventor's middle name was not completely spelled out.

The proper fees have not been supplied. Effective 8 December, 2004, the fee for a petition under 37 CFR 1.182 is $400.00. The petition, however, authorized only the charging of $130.00 to counsel's deposit account. 37 CFR 1.22(a) requires all fees payable to the U.S. Patent and Trademark Office to be paid in advance. As such, the patent must be dismissed pending submission of the proper petition fee.

Furthermore, the present application issued as U.S. Patent No. 7,038,616 on 5 May, 2006. As such, a $100.00 certificate of correction fee and a completed Certificate of Correction Form must also be filed.

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

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

By FAX: (571) 273-8300
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

12-26-07

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

Patent No. : 7,038,616 B2
Inventor(s) : Unnikraishna Pillai
Issued : May 2, 2006
For: TARGET IDENTIFICATION FROM A POOL OF TARGETS USING A NEW ADAPTIVE TRANSMITER-RECEIVER DESIGN

Re. Request for Certificate of Correction

Consideration has been given your request under the provisions of Rule 1.322.

The alleged error on the title page, item [76] inventor. (See attached page).

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

Further correspondence concerning this matter, should be directed to:

U.S. Patent and Trademark Office
Washington, DC 20231
Attn: Decisions & Certificates of Correction Branch

For Mary Diggs
Decisions & Certificate
of Correction Branch
(703) 308-9390 ext.124 or 125

Walter J. Tencza Jr.
Suite 3
10 Station Place
Metuchen NJ 08840

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WALTER J, TENCZA JR.
10 STATION PLACE, SUITE 3
METUCHEN NJ 08840

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FEB 2 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,038,616 :
Issued: 2 May, 2006 :
Application No. 10/743,368 : LETTER DISMISSING PETITION
Filed: 22 December, 2003 :
For: TARGET IDENTIFICATION FROM :
A POOL OF TARGETS USING A NEW :
ADAPTIVE TRANSMITTER-RECEIVER :
DESIGN :

This is a decision on the paper filed on 16 May, 2006, styled as a petition under 37 CFR 1.182, to correct the sole inventor's name.

The petition is **DISMISSED** for the reasons stated below.

Petitioner states that the inventor's name was not correctly stated in Office records. Specifically, the inventor's middle initial was inadvertently placed before the inventor's first name, and the inventor's middle name was not completely spelled out.

The proper fees have not been supplied. Effective 8 December, 2004, the fee for a petition under 37 CFR 1.182 is $400.00. The petition, however, authorized only the charging of $130.00 to counsel's deposit account. 37 CFR 1.22(a) requires all fees payable to the U.S. Patent and Trademark Office to be paid in advance. As such, the patent must be dismissed pending submission of the proper petition fee.

Furthermore, the present application issued as U.S. Patent No. 7,038,616 on 5 May, 2006. As such, a $100.00 certificate of correction fee and a completed Certificate of Correction Form must also be filed.

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

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

By FAX: (571) 273-8300
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

Commissioner for Patents
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WALTER J, TENCZA JR.
10 STATION PLACE, SUITE 3
METUCHEN NJ 08840

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OFFICE OF PETITIONS

In re Patent No. 7,038,616	:	
Issued: 2 May, 2006	:	
Application No. 10/743,368	:	DECISION ON PETITION
Filed: 22 December, 2003	:	AND REQUEST FOR
For: TARGET IDENTIFICATION FROM A POOL OF TARGETS USING A NEW ADAPTIVE TRANSMITTER-RECEIVER DESIGN	:	CERTIFICATE OF CORRECTION

This is a decision on the renewed petition under 37 CFR 1.182, filed on April 25, 2007, to correct the sole inventor's name.

The petition is **GRANTED**.

Petitioner states that the inventor's name was not correctly stated in Office records at the time of issuance. Specifically, the inventor's middle initial was inadvertently placed before the inventor's first name, and the inventor's middle name was not completely spelled out.

Petitioner has submitted the required petition fee and certificate of correction fee. A Certificate of Correction has also been supplied.

The inventor's name will be corrected to be:

--Unnikrishna Sreedharan Pillai--

The application will be forwarded to the Certificates of Correction branch for further processing and issuance of a Certificate of Correction.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

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JUN 2 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Masahiko Matsukawa, et al.	:	
Application No. 10/743,386	:	DECISION GRANTING PETITION
Filed: December 23, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21581-00313-US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 28, 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 May 15, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 1742 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances M. 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

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

Mail Date: 06/03/2010

Applicant	: Sebastien Hily	: DECISION ON REQUEST FOR
Patent Number	: 7640419	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/743,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

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APR 18 2005

OFFICE OF PETITIONS

In re Application of :
John E. Svensson, et al. :
Application No. 10/743,428 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. KTWO122144 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 28, 2005.

The application became abandoned for failure to pay the issue fee on or before February 22, 2005. Receipt is acknowledged of the requisite issue fee on February 28, 2005.

The petition is GRANTED.

The application is being referred 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER NJ 07921

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Frederick DOUGLIS et al. :
Application No. 10/743,430 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. **3555-0130P** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 05, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before August 26, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 26, 2009. Accordingly, the date of abandonment of this application is August 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the corrected formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **JOSEPH G. FENSKE**
WOLFF & SAMSON PC
ONE BOLAND DRIVE
WEST ORANGE NJ 07052

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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AT & T Legal Department - WS
Attn: Patent Docketing
Room 2A-207
One AT & T Way
Bedminster, NJ 07921

Mail Date: 04/21/2010

Applicant	: Frederick Douglis	: DECISION ON REQUEST FOR
Patent Number	: 7657622	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1051** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WESTERMAN HATTORI DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW, SUITE 700
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Yoshihiro Takao :
Application No. 10/743,438 :
Filed: December 23, 2003 :
Attorney Docket No. 032180

This is a decision on the petition, filed August 19, 2005 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 15, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,444	12/19/2003	Maurice Milgram	1948-4830	7680

27123 7590 07/10/2009

MORGAN & FINNEGAN Transition Team
C/O Locke Lord Bissell & Liddell
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
WANG, CLAIRE X	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
07/10/2009	ELECTRONIC

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

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

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

Shopkins@Lockelord.com
OWalker@Lockelord.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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MORGAN & FINNEGAN Transition Team
C/O Locke Lord Bissell &n Liddell
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

MAIL

JUL 1 02009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Maurice Milgram *et al.* :
Serial No.: 10/743,444 :
Filed: December 19, 2003 : DECISION ON PETITION
For: METHOD OF DETECTING BENDS ON A ROAD AND SYSTEM IMPLEMENTING SAME : ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed December 19, 2003 requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1a, 1b, 1c, 1d, 4a, 4b, 5, 6a, and 6b be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without 3 (three) complete sets of color drawings of figures, 1a, 1b, 1c, 1d, 4a, 4b, 5, 6a, and 6b.

As stated, a grantable petition must be accompanied by 3 (three) sets of the color drawings and photographs. Accordingly, the *petition* is **DISMISSED**.

The petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., includes three (3) sets of color drawings, color photographs and a black and white photocopy of the same.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,444	12/19/2003	Maurice Milgram	1948-4830	7680

27123 7590 02/17/2010

MORGAN & FINNEGAN Transition Team
C/O Locke Lord Bissell & Liddell
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
WANG, CLAIRE X	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
02/17/2010	ELECTRONIC

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

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

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

Shopkins@Lockelord.com
OWalker@Lockelord.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN & FINNEGAN Transition Team
C/O Locke Lord Bissell & Liddell
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

MAIL

FEB 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Milgram, Maurice *et al* :
Serial No.: 10/743,444 :
Filed: December 19, 2003 : DECISION ON PETITION
For: **METHOD OF DETECTING BENDS ON A ROAD AND SYSTEM IMPLEMENTING SAME** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.184(b)(2), filed September 2, 2009 requesting reconsideration of acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1a, 1b, 1c, 1d, 4a, 4b, 5, 6a, and 6b be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Weider
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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MAY 12 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Weiss & Moy PC
4204 North Brown Avenue
Scottsdale, AZ 85251

In re application of
Aldo Banova
Application No. 10/743,446
Filed: November 24, 2003
For: INTERLOCKING MASONRY ARTICLES AND METHODS THEREOF

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on November 24, 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 copy of Mr. Banova's Nevada driving license which indicates 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
(703) 308-2121

RAR/vdb: 5/5/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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Melanie L. McCollum
Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

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OFFICE OF PETITIONS

In re Application of :
Jean De Rigal et al. :
Application No. 10/743,455 : DECISION ON PETITION
Filed: December 23, 2003 : TO WITHDRAW
Attorney Docket No. 118111 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 11, 2006.

The request is **APPROVED**.

A review of the file record indicates that Melanie L. McCollum: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Melanie L. McCollum has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address of record remains unchanged.

The attorneys and/or agents associated with Oliff & Berridge remains of record.

There is no outstanding Office action at this time.

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

for David Bucci
Petitions Examiner
Office of Petitions

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 15 2004

In re Application of :
David L. Neary : DECISION ON PETITION
Application No. 10/743,505 :
Filed: December 22, 2003 :
For: Power Cogeneration System and Apparatus Means for Improved High Thermal Efficiencies and Ultra-Low Emissions

This is a decision on the petition to make special filed on May 10, 2004. 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 3746 is being informed of this decision, and will advise the examiner to take future action consistent therewith.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

DAVID L. NEARY
711 MANCHESTER TRAIL DRIVE
SPRING, TX 77373

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MOTOROLA, INC.
8000 WEST SUNRISE BOULEVARD
FORT LAUDERDALE FL 33322

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OFFICE OF PETITIONS

In re Application of	:	
Villamil et al.	:	
Application Number: 10/743514	:	DECISION ON PETITION
Filing Date: 12/19/2003	:	
Attorney Docket Number:	:	
CE12020JUI	:	

This is a decision on the petition filed on November 5, 2007, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 9, 2007, for failure to timely submit a reply to the final Office action mailed on February 8, 2007, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 17, 2007.

Petitioners have filed a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

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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 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)).

This application is being referred to Technology Center Art Unit 2617 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Melanie L. McCollum
Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

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SEP 25 2006

OFFICE OF PETITIONS

In re Application of :

Hojung Lee et al. :
Application No. 10/743,523 : DECISION ON PETITION
Filed: December 23, 2003 : TO WITHDRAW
Attorney Docket No. 118109 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 11, 2006.

The request is **APPROVED**.

A review of the file record indicates that Melanie L. McCollum: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Melanie L. McCollum has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address of record remains unchanged.

The attorneys and/or agents associated with Oliff & Berridge remains of record.

There is no outstanding Office action at this time.

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

for David Bucci
Petitions Examiner
Office of Petitions

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Timothy P. Mate	: DECISION ON REQUEST FOR
Patent Number	: 7657303	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,531	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1058** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Polster, Lieder, Woodruff & Lucchesi, L.C.
Suite 230
763 South New Ballas Road
St. Louis MO 63141-8750

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OFFICE OF PETITIONS

In re Application of :
Meir Strahilevitz : DECISION ON PETITION
Application No. 10/743,532 :
Filed: December 22, 2003 :
Attorney Docket No. STRM 5123 D5 :

This is a decision on the petition under 37 CFR 1.53(e) filed April 19, 2004, requesting that the above-identified application be accorded a filing date of December 22, 2003.

The application was deposited on December 22, 2003, without drawings. On April 2, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete," requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings.

On April 19, 2004, applicant filed the present petition and three sheets of drawings, consisting of Figures 1-6. The specification filed on December 22, 2003, describes drawings containing Figures 1-6. Applicant acknowledges that the application was submitted without the requisite drawings. A search of the official file reveals that on December 22, 2003, a specification was filed, which stated: "This is a division of Serial No. 09/892,037, filed June 26, 2001, which is a division of pending application Serial No. 09/007,599, filed January 15, 1998, now U.S. Patent 6,264,623, which is a division of Serial No. 08/097,378, filed July 23, 1993, now U.S. Patent No. 5,753,227, the disclosures of which are hereby incorporated by reference herein." Applicant asserts that Figures 1-6 of the present application are identical to Figures 1-6 in U.S. Patent No. 6,264,623.

Section 201.06(c) of the Manual for Patent Examining Procedure permits the entering of a portion of the prior application into a continuation or divisional application when the portion of the prior application was inadvertently omitted from the continuation

or divisional application. Based on applicant's representation that Figures 1-6 supplied with the present petition constitute a copy of the prior application papers, and the incorporation by reference statement appearing in the specification deposited on December 22, 2003, it is appropriate, on petition, to accord the application the requested filing date with five sheets of drawings (Figures 1-6).

Accordingly, the petition is **granted**.

The $130.00 petition fee set forth in 37 CFR 1.17(h) will not be refunded because the petition was not necessitated by USPTO error.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 22, 2003, using the application papers filed on that date and the copy of three sheets of drawings (Figures 1-6) submitted with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of :
Silvia Marini et al. :
Application No. 10/743,566 : NOTICE
Patent No. 7,282,253 :
Filed: December 19, 2003 :
Attorney Docket No. **BUG-46517**

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) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

Please note that fees have not been charged

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SILVIA MARINI
Patent No.: 7,282,253
Issue Fee: OCTOBER 16, 2007
Application No.: 10/743,566
Filed: DECEMBER 19, 2003
Docket No.: BUG-46517

DEFICIENCY PAYMENT TO CORRECT ERROR IN SMALL ENTITY PAYMENT

Sir:

In this application, status as a small entity was established in good faith, and fees as a small entity were paid in good faith. It was later discovered that such status as a small entity was established in error. Pursuant to 37 CFR 1.28(c), it is requested that the error be excused. Applicant hereby gives notice that small entity status is no longer appropriate and is no longer claimed in this application.

Itemization of the Deficiency Payment

Type of Fee Erroneously Paid at Small Entity Rate	Current Fee for Non-Small Entity	Small Entity Fee Actually Paid	Date Small Entity Fee Paid	Deficiency Owed
Filing Fee	$1090	$385	June 2, 2004	$705
Late Filing of Dec/POA	$130	$65	June 2, 2004	$65
RCE fee	$810	$395	July 10, 2006	$415
Extension of time fee	$130	$60	February 2, 2007	$70
Issue Fee	$1,510.00	$700	September 4, 2007	$810

Total Deficiency Payment Owed: $2065

Please charge the $2065 total deficiency payment owed to our Deposit Account No. 16-0820, Order No. BUG-46517.

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON APPLICATION
Fries et al.	:	FOR
Application No. 10/743,591	:	PATENT TERM ADJUSTMENT
Filed: December 22, 2003	:	
Atty Docket No. 133197/GETS 5319.1	:	

This is a decision on the "Application for Patent Term Adjustment," filed February 15, 2007. Applicants request additional patent term pursuant to 37 CFR 1.702(b) and 1.703(b) on the basis that the Notice of Allowance was mailed on December 29, 2006, which is 3 years and 7 days after the filing date of the application.

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. A decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

37 CFR 1.703(b) provides that:

> The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, ...

Pursuant to this section, the period of adjustment is calculated based on the date of issue of the patent and not based on the date of mailing of the Notice of Allowance, as asserted by applicants.

Patentee is given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Patentee 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.

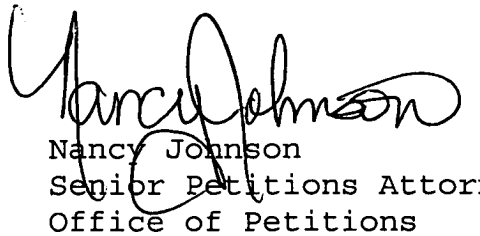
Petitioner is reminded that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 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 also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to

the extent that the three-year period does not overlap with periods already accorded).

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,254,467	:	
Fries et al.	:	DECISION ON REQUEST FOR
Issue Date: August 7, 2007	:	RECONSIDERATION OF
Application No. 10/743,591	:	PATENT TERM ADJUSTMENT
Filed: December 22, 2003	:	and
Attorney Docket No. 133197/	:	NOTICE TO INTENT TO ISSUE
GETS 5319.1	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed August 27, 2007. Patentees maintain that the patent term adjustment indicated on the patent should be corrected from two hundred forty (240) days to three hundred sixty-one (361) days.

The request for reconsideration of the patent term adjustment under § 1.705(d) is **GRANTED to the extent indicated herein**.

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 forty-one **(241)** days.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On August 7, 2007, application No. 10/743,591 matured into Patent No. 7,254,467. The instant request for reconsideration filed August 27, 2007, 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 240 days. The PTA of 361

days was reduced by 121 days pursuant to 37 CFR § 1.704(c)(10) for the submission of drawings after the mailing of the notice of allowance. A reduction of 1 day was entered for drawings filed March 19, 2007. A reduction of 120 days was entered for drawings filed March 20, 2007. Patentees dispute these reductions.

With respect to the reduction of 1 day, the reduction is incorrect. A review of the record supports a conclusion that drawings were only filed on March 20, 2007. No drawings (or other paper warranting a reduction) were filed on March 19, 2007. Accordingly, the reduction of 1 day is being removed.

However, with respect to the reduction of 120 days, patentees' arguments have been considered, but not found persuasive. First, the reduction was entered pursuant to 37 CFR 1.704(c)(10), not 37 CFR 1.704(b). Second, there is no dispute that drawings were filed on March 20, 2007 after the mailing of the notice of allowance on December 29, 2006. Thus, the reduction was warranted. The filing of drawings after the mailing of a Notice of Allowance is properly a basis for reduction of patent term adjustment.

37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

Other than those papers identified in this Notice, all papers filed after allowance of an application substantially delay the Office's ability to process an application for a patent because the Office does not wait until payment of the Issue Fee to begin the patent issue process. As a result, 37 CFR 1.704(c)(10) does not distinguish between papers that are and are not required by

the Office. Filing of any drawings after allowance will be treated as a failure to engage in reasonable efforts to conclude prosecution. See *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance*, 1247 OG 111 (June 26, 2001; See also MPEP 2700.

In order to avoid this failure to engage in reasonable efforts to conclude prosecution of the application, patentees may have filed drawings in compliance with MPEP § 608.02(g) prior to the mailing of the notice of allowance.

Accordingly, pursuant to § 1.704(c)(10), the patent term adjustment was properly reduced by 120 days, counting the number of days in the lesser period of four months (the period of March 20, 2007 to August 7, 2007 is greater than four months).

In view thereof, the reduction of 120 days was proper, but the reduction of 1 day was not.

It is concluded that the patent properly issued with a revised Patent Term Adjustment of two hundred forty-one (241) days.

Receipt is acknowledged of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by two hundred forty-one **(241)** days.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,254,467 B2

DATED : **August 7, 2007**

INVENTOR(S) : Fries et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 240 days

Delete the phrase "by 240 days" and insert – by 241 days--

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GARLICK, HARRISON & MARKISON (ALU)
P.O. BOX 160727
AUSTIN, TX 78716-0727

Mail Date: 04/20/2010

Applicant	: Mandana Nooraee Parker	: DECISION ON REQUEST FOR
Patent Number	: 7602701	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,592	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1440** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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J. MICHAEL MARTINEZ DE ANDINO ESQ.
HUNTON & WILLIAMS
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND VA 23219-4074

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OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	DECISION GRANTING
Application No. 10/743,593	:	PETITION
Filed: December 22, 2003	:	
Attorney Docket No. 61633.001055	:	

This is a decision on the petition filed April 13, 2004, requesting that the above-identified application be accorded a filing date of December 22, 2003. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to applicants.

On December 22, 2003, applicants deposited the above-identified application. However, on April 2, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. Additionally, the Notice required a properly signed oath or declaration in compliance with 37 CFR 1.63. It is noted that the specification deposited on December 22, 2003, describes drawings containing Figures 1 and 2; however, it appears the United States Patent and Trademark Office (Office) did not receive any drawings on filing.

In response, applicants filed the present petition, a preliminary amendment, copies of Figures 1 and 2, an executed declaration, and paid the petition fee.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or

method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the "Notice of Incomplete Nonprovisional Application" mailed April 2, 2004, was sent in error and is hereby withdrawn. The application will be accorded a filing date of December 22, 2003.

Accordingly, the petition is granted.

The $130.00 petition fee is unnecessary. However, the Office finance records indicate that applicants did not pay the requisite surcharge for the late filing of the declaration. Accordingly, the $130.00 petition fee will be applied towards the payment of the outstanding $130.00 surcharge.

The Office of Initial Patent Examination is directed to accord the application a filing date of December 22, 2003, with "0" sheets of drawings.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

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APR 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Engne Tang :
Application No. 10/743605 :
Filed: 12/22/2003 :
Attorney Docket No. SHER-1A :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 21, 2006, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The above-identified application became abandoned for failure to file a timely and proper response to the Notice to File Missing Parts of Nonprovisional Application mailed April 5, 2004, which set a two-month extendable period to reply. Petitioner obtained an extension of time for response within the fourth month and paid the necessary fee. Nevertheless, the above-identified application became abandoned on October 6, 2004. On May 3, 2006, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

The Office finance records indicate that petitioner paid the $65.00 surcharge on October 8, 2004, and again on August 21, 2006. As only one surcharge payment is necessary, the amount of $65.00 will be refunded to the Deposit Account.

This matter is being referred to the Office of Initial Patent Examination.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Initial Patent Examination.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100108

DATE : January 08, 2009

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7440016

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:

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

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Larry G. Brown
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

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MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of :
Charbel Khawand :
Application No. 10/743,663 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. CE11141J1210 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 11, 2009, 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 February 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 31, 2008. Accordingly, the date of abandonment of this application is February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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. See MPEP 711.03(c)(II)(A)(1). Therefore, the filing of a RCE is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to change any additional fees due, the $ 1,510 issue fee and $300 publication fee will be charged to petitioner's deposit account. The issue fee is not refundable and may not be applied towards payment of the issue fee in the continuing application (in the event it is allowed).

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

This application is being referred to the Technology Center AU 2194 for appropriate action in the normal course of business for processing of the RCE received March 11, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of:
MURRY, Matt
Application No.: 10/743,670
Filed: December 22, 2003
Attorney Docket No.: 9314-58

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

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58, Ma Yuan West St.
Taichung
TAIWAN

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AUG 2 8 2006

OFFICE OF PETITIONS

In re Patent No. 6,810,870
Issue Date: November 2, 2004
Application No. 10/743,679
Filed: December 19, 2003
Title of Invention: Toy Gun

ON PETITION

This is a decision on the petition, filed on May 18, 2006, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **Dismissed**.

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

Since it is the Patent and Trademark Office's practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this patent are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the Patent and Trademark Office on or about June 8, 2004, but fail to disclose receipt of the Letters Patent mailed on that date should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required (i.e. docket report). [1]

Where applicant is pro se, applicant should demonstrate what system is in place upon

[1] Petitioner should refer to MPEP 711.03 (c) Petition to Withdraw Holding of Abandonment Based On Failure to Receive Office Action the standard established is similar to the standard required to obtain duplicate Letters Patent based upon non-receipt.

receipt of communication from the USPTO. If applicant retains documents in a central location, makes use of a computer program or calendar such information as well as any accompanying evidence should be provided on renewed petition. A pro se applicant must state that the file was searched and that the communication in question has not been located. The Office is looking for applicant to make a showing that the communication was not lost after receipt.

A statement that the Letters Patent was not received has been provided by a person who lacks first hand knowledge. A statement from the patentee should be provided. It is further noted a review of the Office record shows that the Letters Patent was not returned to the Office

Lastly, the change of correspondence address has not been entered. A change of correspondence address may not be signed by an attorney or agent not of record (see MPEP § 405). A review of the declaration shows, Alan D. Kamrath has not been given power of attorney.

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 delivery service: FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Alan D. Kamrath
Nikolai & Mersereau, P.A.
900 Second Ave. South
Suite 820
Minneapolis, MN 55402

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

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MAR 19 2007

OFFICE OF PETITIONS

In re Patent No. 6,810,870
Issue Date: November 2, 2004
Application No. 10/743,679
Filed: December 19, 2003
Title of Invention: Toy Gun

ON PETITION

This is a decision on the renewed petition, filed on September 8, 2006, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **Granted**.

A copy of this decision is being forwarded to the Office of Patent Publication for issuance of a duplicate letters patent for patent 6,810,870 to attorney of record:

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402
ATTN: ALAN D. KAMRATH

Petitioner is being charged the $400.00 petition fee because sufficient evidence has not been provided to establish the letters patent was not received. [1] The declaration shows that the letters patent could have been lost after receipt. Further the two year delay in filing the petition fails to demonstrate due diligence.

[1] Petitioner should refer to MPEP 711.03 (c) Petition to Withdraw Holding of Abandonment Based On Failure to Receive Office Action the standard established is similar to the standard required to obtain duplicate Letters Patent based upon non-receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: **Kimberly Terrell, South Tower, 8th Floor**
Room C-41
Fax - 571-273-9740
Phone - (703) 308-9250 x 147

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Irell & Manella, LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067

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JUN 20 2005

OFFICE OF PETITIONS

In re Application of :
Jeffrey A. Hubbell, et. al. :
Application No. 10/743,687 : ON PETITION
Filed: December 19, 2003 :
Attorney Docket No. 158264-0003 :

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 30, 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 after midnight September 30, 2004.

In response to the Office action, petitioner hereby submits $1,500 for the petition to revive fee, an amendment, $1,020 for a three (3) month extension of time, and the statement required by 37 CFR 1.137(b).

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

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute this application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence will be directed solely to the address of record until otherwise instructed.

Since petitioner has met the requirements to revive this application, pursuant to 37 CFR 1.137(b), the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,020 extension of time submitted with the petition on February 15, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1714, 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
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Toni-Junell Herbert
Reed Smith, LLP
1301 K Street, NW
Suite 1100- East Tower
Washington, DC 20005

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345 PARK AVENUE
NEW YORK NY 10154-0053

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MAY 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Tim Keith et al. :
Application No. 10/743,704 :
Filed: December 22, 2003 : ON PETITION
Atty Docket No. 2976-4037-US1 :

This is in response to the petition under 37 CFR 1.47(a) filed April 13, 2005.

The petition is **DISMISSED** as involving moot issues.

A Notice to File Missing Parts was mailed February 14, 2005 as the oath or declaration filed December 22, 2003 did not include a signature for joint inventor Sunil Pandit. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 09/627,465, filed on April 23, 2001, of which the instant application is a division. Furthermore, a copy of the decision, mailed June 14, 2001, 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. However, the surcharge for late filing of an oath or declaration has been properly remitted and properly applied.

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 matter will be referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

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SEP 30 2004

OFFICE OF PETITIONS

In re Application of :
Norbert Brun, Jean-Luc :
Meyrenaud, Kamislav Fadel and : DECISION GRANTING PETITION
Xavier Helme-Guizon : UNDER 37 CFR 1.47(a)
Application No. 10/743,710 :
Filed: December 24, 2003
Title: PROJECTOR WITH
TRANSVERSE LIGHT SOURCE FOR
AUTOMOTIVE VEHICLE

This is in response to the "Petition Under 37 CFR 1.47(a)," filed June 7, 2004.

The petition is **granted**.

Petitioner has shown that the non-signing inventor can not be located in order 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
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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JUL 21 2005

Technology Center 2100

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: Mikami
Application No. 10/743,727
Filed: 24 December 2003
For: METHOD, APPARATUS, AND COMPUTER READABLE MEDIUM FOR MANAGING REPLICATION OF BACK-UP OBJECT

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition filed 16 May 2005 and the supplement submitted 13 June 2005, under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In this case, the petition/supplement fails to adequately meet requirement (e) as set forth above. Responsive to requirement (e), applicant must provide a "detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references." Petitioner should ensure that the above discussion is directed to *how the language of each of the independent claims are specifically distinguishable and patentable from the references* provided pursuant to requirement (d) supra.

The petition filed 16 May 2005 and the supplemental petition filed 13 June 2005, both fail to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). In the initial petition, submitted 16 May, there is no indication of which claims correspond to the featured language that Applicant proffers as the basis for patentability in the discussion of each reference. The petition recites claims 1, 2 and 8, the independent claims prior to addressing the references. Then, in the discussion of each reference, Petitioner alludes to some features from the claimed invention that the reference lacks. This featured limitation language, however, does not point to or refer to any specific claim. Petitioner is required to submit a **detailed discussion that includes identifying claim limitations with particularity for each independent-claim** that cannot be found in the relevant prior art references.

It appears that Petitioner has attempted to ameliorate the foregoing deficiency in the discussion of the references with the supplemental petition filed 13 June. The supplemental petition does mention claims 1 and 2 in the discussion of each reference. Specifically, Petitioner inserts an averment at the end of each reference discussion that the reference "does not disclose or suggest the above described first feature of the present invention as recited in independent claim 1, and the above described second feature of the present invention as recited in independent claim 2, in combination with the other Limitations recited in each of the independent claims." Despite the fact that the supplement does add mention of two of the independent claims, it fails to point out the patentable limitations with particularity in each of the independent claims with respect to each given reference. The supplement indirectly refers to some features "in combination with the other Limitations recited in each of the independent claims." From this, it is unclear which limitation or combination of limitations constitute the patentable distinctions not found in the prior art reference. Which claims and elements come within the penumbra of "Limitations recited in each of the independent claims"? Does this term represent the collective intersection of limitations in claims 1, 2 and 8, each of the independent claims? Furthermore, the Petition does not bring up claim 8 with respect to each of the references. This discussion does not provide the requisite specificity regarding the limitations associated with each of the independent claims for correlation/contrast with the referenced prior art.

In the discussion of how the claims are patentable over the references, the petition must show, for each independent-claim, specific limitations that distinguish over each given reference in order to specify "how the claimed subject matter is patentable over the references."

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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MAR 22 2006

Technology Center 2100

In re Application of: Shougo MIKAMI
Application No. 10/743,727
Filed: December 24, 2003
For: METHOD, APPARATUS, AND COMPUTER READABLE MEDIUM FOR MANAGING REPLICATION OF BACK-UP OBJECT

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the Request for Reconsideration filed September 6, 2005 on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, originally filed on May 16, 2005, (Supplemented on June 13, 2005) and dismissed on July 21, 2005.

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 been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

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MAY 3 1 2005

Technology Center 2100

In re Application of: KOBAYASHI, et al.
Application No. 10/743,729
Filed: December 24, 2003
For: STREAM SERVER APPARATUS, PROGRAM, AND NAS DEVICE

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed November 10, 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 **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 been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

5/23/05

SDL: 05/17/05

UNITED STATES PATENT AND TRADEMARK OFFICE

10-15-07

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

Patent No. : 7,264,883 B2
Ser. No. : 10/743,735
Inventor(s) : Kenji Yamamoto, et. al.
Issued : September 4, 2007
Title : HARD COATING FILM EXCELLENT IN ADHESION AND MANUFACTURING METHOD THEREOF
Docket No. : 246929US3/aba

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.

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.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or (703) 308-8309

Joseph Scafetta, Jr.
Oblon, Spivak, McClelland
Maier & Neustadt
1940 duke Street
Alexandria, VA 22314

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 07 2007

OFFICE OF PETITIONS

In re Patent No. 7,264,883 :
Issued: September 4, 2007 :
Application No. 10/743735 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. 246929US3 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181," filed November 19, 2007.

Applicants request that the Director reconsider and reverse the decision in the Post Issue Communication dated October 15, 2007, denying the Request for Certificate of Correction filed September 13, 2007.

On September 13, 2007, applicants filed a completed Certificate of Correction form and a request for the correction of the assignee name on the above-identified patent because of USPTO error. On October 15, 2007, the Office mailed a Post Issue Communication denying the request because applicants did not include the processing fee set forth in 37 CFR 1.17(h), as indicated in the bolded text of the decision. However, whenever a mistake in a patent incurs through the error of the USPTO, the Director may issue a Certificate of Correction without a charge. 35 U.S.C. 254.

A review of the record reveals that the Office issued a Certificate of Correction on November 27, 2007, correcting the assignee name as requested. For this reason, the petition is dismissed as involving a moot issue. No fee has been charged.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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MATTINGLY, STANGER, MALUR &
BRUNDIDGE, P.C.
1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAIL

AUG 1 9 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Masashi NAKANISHI et al.
Application No. 10/743,737
Filed: December 24, 2003
For: METHOD, APPARATUS, AND COMPUTER READABLE MEDIUM FOR MANAGING BACK-UP

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed on June 23, 2005 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
>
> (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission of June 23, 2005 meets all the criteria set out above. Accordingly, the petition is **GRANTED**. The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

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.
10/743,749	12/24/2003	Young-Hyun Kang	P56938	8926

7590 02/28/2008

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005

EXAMINER	
TANG, KAREN C	

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
02/28/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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FEB 29 2008

TECHNOLOGY CENTER 2100

Robert E. Bushnell
SUITE 300
1522 K STREET, N.W.
WASHINGTON DC 20005-1202

In re Application of:
Young-Hyun KANG, et al.
Application No. 10/743749
Filed: December 24, 2003
For: METHOD FOR BATCH REGISTRATION OF INTEGRATED DIGITAL LOOP CARRIER SUBSCRIBER USING PROGRAM LOADED DATA OF EXCHANGE, AND ELEMENT MANAGEMENT SYSTEM SERVER FOR THE SAME

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petitions filed Jul 16, 2007 and Dec 31, 2007 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to acknowledge the claim for foreign priority under 35 USC 119(a)-(d). In the Dec 31, 2007 petition, the petitioner further requests a restart period for response from the date which the examiner issues a written acknowledgement.

A review of file history indicates that an Oath/Declaration of the instant application claiming the benefit of Korean application No. 2003-6229 along with a certified copy of the foreign priority of the Korean application were filed with the office on Dec 24, 2003. The Korean application No. 2003-6229 has a filing date of Jan 30, 2003. The applicant had satisfied the requirements of 35 USC 119(a)-(d), thus the claim to foreign priority benefit of the Korean application No. 2003-6229 is hereby **ACKNOWLEDGED**.

The examiner has not formally acknowledged the claim for benefit of the foreign application in the office actions mailed July 11, 2007 or Dec 18, 2007. However, there is no finding of the examiner's indication that the certified copy of the Korean application has not been received in the either of the office actions as asserted. The Office will direct the examiner **to formally acknowledge** the benefit for the foreign priority claim of the Korean application No. 2003-6229 **in the next communication**.

MPEP 716.06 states, in part:

> Where the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and this error is called to the attention of the Office within 1 month of the mail date of the

action, the Office will restart the previously set period for reply to run from the date the error is corrected...".

In this instant, the ability to reply to the Office action has not been shown to be affected. Therefore, the request to restart the period for response is **DISMISSED**.

Accordingly, the request for acknowledgement of the foreign priority is **GRANTED** and the request to restart the period for response is **DISMISSED.**

Thus the petitions are **GRANTED in part**.

37 C.F.R. § 1.181(f) states that the mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Therefore, the period for response continues to run from the date of the Final office action of Dec 18, 2007.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4147.

Kim Huynh
Special Program Examiner
Technology 2100,
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 04/21/2010

Applicant	: Makoto Shiomi	: DECISION ON REQUEST FOR
Patent Number	: 7583278	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,770	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/24/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ARNOLD INTERNATIONAL
PO BOX 129
GREAT FALLS VA 22066

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JUL 07 2004

OFFICE OF PETITIONS

In re Application of :
Takashi Suzuki :
Application No. 10/743,824 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. 25-257 :

This is a decision on the "PETITION TO CORRECT FILING DATE", filed May 6, 2004, which is being treated as a petition under 37 CFR 1.10 to accord the above application a filing date of December 29, 2003.

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. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was deposited with the USPS on December 26, 2003, not December 24, 2003. However, as December 26, 2003 was a federal holiday, petitioner states that the application should be accorded a filing date of the next business day, or December 29, 2003.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, Petitioner has not included a true copy of the Express Mail label. In addition, it does not appear that the number of the Express Mail mailing label was placed on the application papers.

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: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned at (703) 305-0272.

Cliff bp

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Takashi Suzuki :
Application No. 10/743,824 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. 25-257 :

This is a decision on the "RENEWED PETITION TO CORRECT FILING DATE", filed July 23, 2004, which is being treated as a petition under 37 CFR 1.53(e)(1) to accord the above application a filing date of December 29, 2003.

The petition is **DISMISSED.**

Petitioner argues that the above-identified application was deposited in a drop box with the Office of Initial Patent Examination (OIPE) on December 26, 2003.[1] However, as December 26, 2003 was a federal holiday, petitioner states that the application should be accorded a filing date of the next business day, or December 29, 2003. Petitioner argues that the application should not be accorded the presently accorded filing date of December 24, 2003.

---

[1] An Office investigation into the matter has revealed that the OIPE drop box was locked at midnight on December 24, 2003, and was not opened again for deposits until December 29, 2003.

An applicant alleging that an application was accorded the incorrect filing date has the burden of proving that allegation by a preponderance of the evidence. An applicant may rely on the "Express Mail" provisions of 37 CFR 1.10 to accord an application the filing date as of the "date-in" on the "Express Mail" mailing label. Applicant may also submit an itemized, USPTO date-stamped postcard receipt, identifying the application. A postcard receipt which itemizes and properly identifies the filed items serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See MPEP 503.

Here, applicant did not file the application under the provisions of 37 CFR 1.10. In addition, applicant did not submit a USPTO date stamped postcard receipt. The postcard receipt applicant submitted on petition does not contain a USPTO date stamp.

The only evidence applicant has proffered in support of his allegation that the application was not deposited on December 24, 2003 is that the application transmittal letters and the filing fee check were all "dated" December 26, 2003. This is not sufficient evidence to accord the application a filing date.

The application is an image file wrapper (IFW), and as such, no forwarding of the file is required. A message will be sent to the Office of Initial Patent Examination to continue processing the application using the original application filing date of December 24, 2003, using the application papers filed on that date.

Telephone inquiries should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

for Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Takashi Suzuki :
Application No. 10/743,824 : ON PETITION
Filed: December 29, 2003 :
Attorney Docket No. 25-257 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION TO CORRECT FILING DATE", filed November 10, 2004, which is being treated as a petition under 37 CFR 1.53(e)(1) to accord the above application a filing date of December 29, 2003.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was deposited in a drop box with the Office of Initial Patent Examination (OIPE) on December 26, 2003.[1] However, as December 26, 2003 was a federal holiday, petitioner states that the application should be accorded a filing date of the next business day, or December 29, 2003. Petitioner argues that the application should not be accorded the presently accorded filing date of December 24, 2003.

[1] An Office investigation into the matter revealed evidence to suggest that the OIPE drop box was locked at midnight on December 24, 2003, and was not opened again for deposits until December 29, 2003.

Petitions were filed on May 6, 2004 and July 23, 2004, and dismissed in decisions mailed on July 7, 2004 and November 4, 2004.

On request for reconsideration, petitioner has submitted sufficient evidence to establish that the above-identified application was deposited on December 26, 2003. Specifically, petitioner has included a copy of log papers showing that the application papers were filed on December 26, 2003. In addition, petitioner has included a copy of an e-mail with a time and date-stamp of 12:04 P.M. on December 26, 2004, stating that the application papers were filed that same day.

The application file is being forwarded to the Office of Initial Patent Examination to change the filing date from **December 24, 2003 to December 29, 2003.** Thereafter the file will be forwarded to the Certificate of Corrections Branch for issuance of a Certificate of Correction indicating a filing date of **December 29, 2003, not December 24, 2003.**

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

Cliff Congo
Petitions Attorney
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

09/08/04

Sue C. Watson
KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH WI 54956

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/743844 received on 08/23/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Mailed: APR 8 2004

spg
Paper Number

In re application of
David Park et al.
Serial No. 10/743,846
Filed: December 22, 2003
For: PAPER PRODUCT AND METHOD OF MAKING

DECISION ON
PETITION

This is in response to the PETITION UNDER CFR 1.84 REGARDING THE SUBMISSION OF COLOR PHOTOGRAPHS AS FIGURES IN A PATENT APPLICATION filed December 22, 2003.

The petition includes (1) the fee as required by 37 CFR 1.17(h) *[note - the fee has been charged to applicant's deposit account as authorized]*, (2) three sets of the color photographs, and (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iv). It is noted that the amendment to the specification includes a misspelling of "Patent" (see line 3 of the amendment) - applicant in a response to be filed in response to this decision should correct this misspelling.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

Steven P. Griffin
Supervisory Patent Examiner
Technology Center 1700

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

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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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Ravi Tangirala	: DECISION ON REQUEST FOR
Patent Number	: 7602721	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/743,858	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1602** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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OFFICE OF PETITIONS

In re Application of
Maria Carmen Schlesener, et al.
Application No. 11/743,881
Filed: May 3, 2007
Attorney Docket No. 16356.1039 (DC-06909A)

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee nor was there an authorization to charge to petitioner's deposit account. No consideration on the merits can be given that petition until the required fee is received.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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McKee, Voorhees & Sease
801 Grand Avenue
Suite 3200
Des Moines, IA 50309

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FEB 0 5 2008

OFFICE OF PETITIONS

In re Patent No. 7,241,934 :
Issue Date: July 10, 2007 :
Application No. 10/743,891 : ON PETITION
Filed: December 22, 2003 :
Patentee(s): Jonathan P. Duvick, et. al. :

This is a decision on the request for Certificate of Correction under 1.322 filed August 8, 2007, which is being treated as a request under 37 CFR 3.81[1], to add a second name of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

Since the request under 37 CFR 3.81 requires a processing fee of $130, that fee has been charged to petitioner's deposit account, as authorized.

The request is **GRANTED TO THE EXTENT INDICATED ABOVE.**

This patent file is being referred to the Certificates of Correction Branch, for review of the additional corrections requested in the Certificate of Correction filed on August 8, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

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

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Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York NY 10165-0501

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DEC 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Neuer et al.	:	DECISION ON PETITION
Application No. 10/743,905	:	UNDER 37 CFR 1.137(b)
Filed: December 24, 2003	:	
Attorney Docket No. MS-834	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 25, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the nonfinal Office Action mailed May 6, 2004, which set a three (3) month shortened statutory period to reply. Accordingly, this application became abandoned on August 7, 2004. A Notice of Abandonment was mailed on November 16, 2004.

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. Accordingly, the petition is **granted.**

This matter is being referred to Technology Center Art Unit 3612.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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SEAGATE TECHNOLOGY C/O MOFO NOVA
1650 TYSONS BOULEVARD, SUITE 300
MCLEAN, VA 22102

COPY MAILED

AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of :

STEELE, et al. :
Application No. 10/743,935 : DECISION ON PETITION
Filed: December 22, 2003 : TO WITHDRAW
Attorney Docket No. **21064/1206684-US1** : FROM RECORD
:

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

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

A review of the file record indicates that the power of attorney to **SEAGATE TECHNOLOGY C/O MOFO NOVA** has been revoked by the assignee of the patent application on June 9, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DARBY & DARBY PC**
PO BOX 770
CHURCH STREET STATTION
NEW YORK, NY 10008-0770

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td

Mailed: 2-1-06

In re Application of
Leslie E. Smith et al.
Serial No. 10/743,936
Filed: December 23, 2003
For: FORMATION OF WIDE PAINT FILM PARTS

: DECISION ON
: PETITION

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed November 16, 2004.

On November 16, 2004, a restriction requirement was made by the examiner. The examiner took the position that the groupings of claims were related as a method or making and product made. Applicants traversed the restriction requirement in a response filed February 1, 2005. In the response, Applicants cancelled the original product claims and presented a new group of product-by-process claims. It was argued that because the claims are in product-by-process form, they can not be made by a materially different process from that which is claimed. The examiner maintained the restriction requirement in the office action mailed on April 18, 2005.

On July 15, 2005, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that the examiner has not shown that the separate groups are distinct and that no undue burden of search exists.

DECISION

Sections 803 and 806.05(f) of the MPEP state:

803 Restriction - When Proper
Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate pat-ents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - §

806.05(f) [R-3] Process of Making and Product Made *
A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed

can be used to make **>another materially different product<; or (B) that the product as claimed can be made by another * materially different process.
Allegations of different processes or products need not be documented.
A product defined by the process by which it can be made is still a product claim (In re Bridgeford, 357 F.2d 679, 149 USPQ 55 (CCPA 1966)) and can be restricted from the process if the examiner can demonstrate that the product as claimed can be made by another materially different process; defining the product in terms of a process by which it is made is nothing more than a permissible technique that applicant may use to define the invention.

The examiner first made the restriction requirement in an office action mailed November 16, 2004. In the office action, the examiner takes the position that the product claims are patentably distinct from the process claims because the product as claimed could be made by a materially different process such as extrusion. This is a reasonable position in that the article claimed is directed to a plastic article. Turning to Applicant's own specification, it appears that these articles are in fact already known and commercially available (i.e. tonneau covers) albeit made by different means such as painting or coating the product after shaping (see pages 2-3). Applicants did not provide any arguments directed to the position that the product could not be made by extrusion, but rather argued that because the claims were product-by-process claims, the restriction was improper. Petitioner takes the position that because the instant product claims are product-by-process claims, they can not be restricted because the product as claimed can not be made by another and materially different process. It is also argued that the product as claimed is not limited only by structural limitations, and the article is not to be examined solely on the basis of article structure. This argument is not persuasive. As stated above, a product defined by the process by which it can be made is still a product claim. The fact that a new process has been discovered to make a known product cannot impart patentability on that product. When examining a product-by-process claim, the examiner must take into account the process limitations only so far as they impart actual structural limitations to the final product. The claim is still directed to a product and therefore, only the actual structure of the product can impart patentability. The MPEP and the case law cited above, clearly allows for the restriction between process claims and the products formed by those processes. It is also noted that allegations of different processes need not be documented as argued by Petitioner. The mere assertion by Applicants that the product as claimed can not be made by extrusion, is insufficient to shift the burden back to the examiner, who set forth a reasonable position as to other methods of making the instantly claimed product.

Applicants also argue that there would be no undue burden of search for the examiner to examine all of the claims. In the original restriction requirement set forth by the examiner, the different groups are shown to be classified in different classes and subclasses. It is clear that a search of the method of making claimed would not require the same search as the articles claimed. While there would be an overlap in the searches, a search of the article itself would be much more extensive than the specific method claimed. Therefore a serious burden of search would exist for the examiner to have to examine both groups.

Accordingly, the restriction requirement is proper and the instant petition to withdraw the restriction requirement is **DENIED**. It is noted that applicants have filed an appeal brief which has been answered by the examiner. No further action is needed by the examiner at this time.

JMStone

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

Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron MI 48060

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Mailed: 8-14-06

In re application of	:	
Leslie E. Smith et al.	:	DECISION ON
Serial No. 10/743,936	:	PETITION
Filed: December 23,2003	:	
For: FORMATION OF WIDE PAINT FILM PARTS	:	

This is a response to Applicant's request for reconsideration of decision on petition dated February 1 2006. The original petition was under 37 CFR 1.144 to withdraw the restriction requirement mailed November 16, 2004.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

Applicant asserts that the product as claimed cannot be made by another, materially different process and thus MPEP 806.05(f)(B) is not satisfied and that extrusion will not work nor suffice. Applicants do not provide any arguments directed to the position that the product could not be made by extrusion. A product defined by the process by which it can be made is still a product claim. When examining a product-by-process claim, the examiner must take into account the process limitations only so far as they impart actual structural limitations to the final product. The assertion that the product cannot be made by extrusion, is insufficient to shift the burden back to the examiner, who set forth a reasonable position as to other methods of making the instantly claimed product.

The Petition is **DENIED**.

Jacqueline M. Stone

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

Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron, MI 48060

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Paper No.

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

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JAN 18 2005

OFFICE OF PETITIONS

In re Application of :
Dasseux et al. :
Application No. 10/743,950 : DECISION ON PETITION
Filed: December 24, 2003 :
Atty Docket No. 10173-112-999 :

This is a decision on the "PETITION UNDER 37 C.F.R. §§ 1.181 AND 1.17(h) IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION AND EVIDENCE OF DEPOSIT" filed October 20, 2004. Applicants petition to have page 125 entered into the file of the above-identified application and to maintain the original filing date of December 24, 2003.

Application papers in the above-identified application were filed on December 24, 2003. However, on September 13, 2004, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, page 125 of the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Applicants assert that page 125 was not missing from the application. In support thereof, applicants submit *inter alia* a copy of the front and back of their return postcard receipt. Alternatively, applicants submit that page 125 would not constitute new matter as page 125 was incorporated by reference to a prior filed application. Applicants supplied a copy of missing page 125.

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 by hand carry in the Office of Initial Patent Examination (OIPE) on December 24, 2003; 2) it specifically identifies the items being filed, including "☒Application 246 pages" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including the 246 pages of application, were filed on June 29, 2004.

The application papers already considered received in the Office on December 24, 2003, were reviewed along with the missing page of specification submitted on petition. These papers together

constitute the items described on the postcard receipt as "☒Application 246 pages." The pages of the application were specifically numbered 1-246 as indicated on the postcard. Petitioner has shown that p. 125 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 has been refunded to Deposit Account No. 50-3013, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of December 24, 2003, using the application papers received in the Office on that date and the missing page of specification, p. 125, re-supplied on petition filed October 20, 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
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Jean-Louis Henri Dasseux et al :
Application No. 10/743,952 : DECISION ON PETITION
Filed: December 24, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10173-111-999 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 27, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on October 11, 2001, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/239,232, which was filed on October 11, 2000, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an

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

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

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

By mail:
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Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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MAR 16 2007

OFFICE OF PETITIONS

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

In re Application of :
Jean-Louis Henri :
Application No. 10/743,952 : DECISION ON PETITION
Filed: December 24, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10173-111-999 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 18, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

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

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

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

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

Any inquiries concerning this decision may be directed to 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.

The application is being forwarded to Technology Center AU 1625 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Frances Hicks
Petition 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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/743,952	12/24/2003	1625	5270	10173-111-999	57	9

CONFIRMATION NO. 9584

28880
WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

CORRECTED FILING RECEIPT

OC000000022899306

OC000000022899306

Date Mailed: 03/14/2007

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)

Jean-Louis Henri Dasseux, Brighton, MI;
Daniela Carmen Oniciu, Ann Arbor, MI;

Power of Attorney: The patent practitioners associated with Customer Number **28880**.

Domestic Priority data as claimed by applicant

This application is a CIP of 09/976,938 10/11/2001 PAT 6,699,910
which claims benefit of 60/239,232 10/11/2000

Foreign Applications

If Required, Foreign Filing License Granted: 04/09/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/743,952

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Ketone compounds and compositions for cholesterol management and related uses

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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NEW HOLLAND PA 17557

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SEP 23 2005

OFFICE OF PETITIONS

In re Application of :
Anthony J. LAMELA et al. :
Application No. 10/743,960 : ON PETITION
Filed: October 22, 2003 :
Attorney Docket No. 15211 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 4, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 5, 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 a Request for Continued Examination, $790 filing fee and submissions as required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of January 4, 2005 is accepted as having been unintentionally delayed.

Furthermore, 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., 8USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the three-month extension of time submitted with the petition on July 29, 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 David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 3611.

Brian Hearn
Petitions Examiner
Office of Petitions

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CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, MS 641
NEW HOLLAND PA 17557

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OFFICE OF PETITIONS

In re Application of	:	
Lamela et al.	:	DECISION ON PETITION
Application No. 10/743,960	:	TO WITHDRAW
Filed: December 22, 2003	:	FROM RECORD
Attorney Docket No. 15211	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2006.

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

A review of the file record indicates that Stephen Michael Patton is no longer associated with Customer Number 37414. 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 current correspondence address of record until otherwise notified by the applicants.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272- 3206.

David Bucci
Petitions Examiner
Office of Petitions

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SHEMWELL GREGORY & COURTNEY LLP
4880 STEVENS CREEK BOULEVARD, SUITE 201
SAN JOSE, CA 95129

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OFFICE OF PETITIONS

In re Application of :
Varadarajan Srinivasan et al :
Application No. 10/743,962 : DECISION ON PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 2489.P002DC :

This is a decision on the petition, filed July 22, 2005, requesting (1) issuance of a Supplemental Notice of Allowance; or, alternatively, (2) withdrawal of the application from issue (pursuant to the provisions of 37 CFR 1.313(a)).

The petition is **dismissed** as moot for the reasons stated below.

Petitioner states that, while claim 1 is indicated as allowed, there is no such indication of the allowance of remaining claims 2-19. Therefore, petitioner requests a Supplemental Notice of Allowance if the failure to mention claims 2-19 as allowable was inadvertent. If, however, entry of claims 2-19 was denied for any reason, then petitioner requests that this paper be treated as a petition to withdraw the application from issue. Lastly, if entry of claims 2-19 and the petition to withdraw from issue are denied, then applicant requests that this paper be treated as a Request for Continued Examination (RCE) under 37 CFR 1.114.

A review of the file record discloses that a Supplemental Notice of Allowability was mailed on August 18, 2005, which indicates that the allowed claims in this application are claims 1-19. Accordingly, it is unnecessary here to withdraw the application from issue or to treat this communication as an RCE pursuant to the provisions of 37 CFR 1.114.

Inquiries concerning this communication may be directed to the undersigned at (571) 272-3218.

The issue and publication fees have been paid. Accordingly, this matter is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

Mail Date: 05/28/2010

Applicant	: Mehryar Khalili Garakani	: DECISION ON REQUEST FOR
Patent Number	: 7623273	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/743,980	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1643** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JAN 24 2005

OFFICE OF THE DIRECTOR
TC 3600

SYNNESTVEDT & LECHNER, LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

In re application of
Joshua M. Kopelman et al.
Application No. 10/743,982
Filed: December 22, 2003
For: METHOD AND APPARATUS FOR FACILITATING SALES OF GOODS BY INDEPENDENT PARTIES

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on November 22, 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 attorney making the request; Tarek N. Fahmi, does not now have, and apparently never has had, power of attorney in this application. There is no record of power of attorney ever being given to the attorney making the request or anyone associated with customer number 08791.

Further, the request does not comply with Item B).

As to Item B), the reason "Discontinuation of the attorney/client relationship" is not appropriate since it is not clear that the client initiated the discontinuation, or that the client knowingly or freely assents to the transfer to new counsel. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 01/13/05

CC: Tarek N. Fahmi
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

CC: Andre L. Marais
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
1600 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402

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DELBERT J. BARNARD
BARNARD, LOOP & MCCORMACK LLP
P.O. BOX 58888
SEATTLE, WA 98138-1888

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OFFICE OF PETITIONS

In re Application of :
Raymond Keith Foster :
Application No. 10/743,992 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. FOSTER "DX" :

This is a decision on the petition under 37 CFR 1.137(b), filed November 9, 2004, to revive the above-identified application.

The petition is **GRANTED.**

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 June 21, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at on September 22, 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 payment of the issue fee; (2) the petition and publication fees; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Receipt is acknowledged of the Substitute Drawings filed November 9, 2004, with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application file is being forwarded to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P. O. BOX 692289
HOUSTON, TX 77269-2289

Mail Date: 05/05/2010

Applicant	: Bruno De Man	: DECISION ON REQUEST FOR
Patent Number	: 7639774	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/744,027	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **70** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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10TH FLOOR
PHILADELPHIA, PA 19103

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OFFICE OF PETITIONS

In re Application of
Tracey Treat
Application No. 10/744,053
Filed: December 22, 2003
Attorney Docket No. 02730.00101

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

This is a decision on the petition under 37 CFR § 1.102(d), filed March 1, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR § 1.102(d) and MPEP § 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies wit hall the above stated requirements. 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 AU 3731 for action on the merits commensurate with decision.

Denise Pothier
Petitions Examiner
Office of Petitions

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ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

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OFFICE OF PETITIONS

In re Application of :
Alexander Steven Whitehead et al :
Application No. 10/744,055 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 53893-5063-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed April 5, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 6, 2005.

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 $1080 extension of time submitted with the petition on March 3, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This matter is being referred to Technology Center AU 1637 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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GERO G. McCLELLAN
MOSER, PATTERSON & SHERIDAN, L.L.P.
Suite 1500
3040 Post Oak Blvd.
Houston, TX 77056

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OFFICE OF PETITIONS

In re Application of :
Sommer and Enders :
Application No. 10/744,056 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. INFN/0048 :
:

This is a decision on the petition filed September 3, 2004, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of December 23, 2003, rather than the presently accorded filing date of August 25, 2000.

Petitioner alleges that the application was deposited with the Express Mail Service on December 23, 2003. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV335471839US showing a "date-in" of December 23, 2003. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on December 23, 2003.

In view of the above, the petition is granted. The new filing date for the above-cited application is December 23, 2003.

The Office of Initial Patent Examination will further process the application with a filing date of December 23, 2003, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070122

DATE : January 22, 2007

TO SPE OF : ART UNIT 2878

SUBJECT : Request for Certificate of Correction on Patent No.: 7,098,439

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

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

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

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

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

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: Georgia Y. Epps **Art Unit** 2878

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MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of :
Brian D. Heikes, et al. :
Application No. 10/744,080 : DECISION ON PETITION
Filed: December 24, 2003 : TO WITHDRAW
Attorney Docket No. 06975-402001 / Communicat : 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 2, 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 Scott R. Boalick on behalf himself.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

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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 :
Shuji Kashiwagi et al. :
Application No. 10/744,098 :
In re Patent No. 6,858,921 :
Filing Date: December 24, 2003 : DECISION ON PETITION
Issue Date: February 22, 2005 : UNDER 37 C.F.R. §3.81(B)
Attorney Docket Number: 50395-242 :
Title: FLEXIBLE PRINTED CIRCUIT SUBSTRATE :

This is a decision on the petition filed March 18, 2005 under 37 C.F.R. §1.183, which is properly treated as a petition under 37 C.F.R. §3.81(b)[1], to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The Office regrets the period of delay in issuing this decision.

Petitioner requests that a Certificate of Correction be issued correcting the address for an assignee. Petitioner submits a "Certificate of Correction" for this purpose, which indicates that the address of the Assignee which appears on the face of the patent should be changed.

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

(b) 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

1 See Official Gazette, June 22, 2004.

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.

Both Petitioner's evidence and Office records show that the assignment for the above-identified application was received in the Office on May 20, 2004, which is prior to the payment of the Issue Fee on March 21, 2005.

The petition is **GRANTED.**

Payment of the required $130 processing fee and the required $100 certificate of correction fee is acknowledged.

The application file will be forwarded to the Certificates of Correction Branch so that the requested Certificate of Correction can be issued.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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OFFICE OF PETITIONS

In re Application of :
CHENG et al :
Application No. 10/744,119 :
Filed: December 22, 2003 :
Attorney Docket No. 42P17290 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed April 29, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 30, 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 and publication fees; (2) the large entity petition fee of $1500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

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 petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being 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 petition.

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.

It is noted that on the petition to revive, petitioner marked as an Enclosure, "Loss of Small Entity Status." No such paper was received with the instant petition. The file record indicates that the application was never granted small entity status, therefore it is assumed that the box was inadvertently marked. If this is not correct, petitioner should inform the USPTO and resubmit the missing document.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

The application file is being referred to the Office of Patent Publication.

Amelia Au
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 2600

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A./OPTV
P.O. BOX 2938
MINNEAPOLIS, MN 55402-0938

In re Application of :
Alain Delpuch :
Application No. 10/744,123 : DECISION ON REQUEST TO
Filed: December 22, 2003 : WITHDRAW AS ATTORNEY
For: METHOD AND SYSTEM TO CONTROL A RETURN PATH TO A SOURCE SYSTEM IN AN INTERACTIVE TELEVISION ENVIRONMENT :

This is a decision on theRequest to Withdraw as attorney or agent and change of address filed on November 23, 2004.

A grantable request to withdraw as attorney/agent of record must do the following:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

A Revocation and Power of Attorney was filed April 15, 2003 is **DISMISSED**.

All future communications from the Office will be directed to the address listed above until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

cc: BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BLVD.
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

Paper No.

Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, MI 49503-2487

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JUL 0 9 2004

OFFICE OF PETITIONS

In re Application of	
David Jablow, Alan Kaufman,	
Enrico Spinelli, Michael Miller and	DECISION ACCORDING STATUS
Jack Miller	UNDER 37 CFR 1.47(a)
Application No. 10/744,151	
Filed: December 22, 2003	
Atty Docket No. 77301.85041-001	
Title: SHELVING	

This is a decision on the "PETITION FOR FILING ON BEHALF OF NON-SIGNING INVENTORS WHO REFUSE TO SIGN UNDER 37 C.F.R. § 1.47(a)," filed June 7, 2004 (certificate of mailing June 4, 2004).

The petition is **GRANTED**.

The above-identified application was filed on December 22, 2003, without an unexecuted declaration. Accordingly, on April 5, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, rule 47 applicants filed the instant petition (and fee); the late surcharge; and a declaration executed by joint inventors Jablow, Kaufman and Spinelli on behalf of themselves and on behalf of non-signing joint inventors Michael Miller and Jack Miller. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventors Michael Miller and Jack Miller refuse to join in the application for patent.

On petition, patent attorney Gregory Bondarenko states that the application papers were presented to all of the inventors; however, inventors Michael Miller and Jack Miller refused to join in the application. Accompanying the petition is evidence of the presentation of the application papers to each non-signing inventor by certified mail. In addition, petitioner has provided a copy of a letter signed by both non-signing inventors directing the attorney not to apply for a patent. The petition includes a statement of the last known address of each of the non-signing inventors.

The evidence has been considered and found persuasive that the non-signing inventors have refused to join in the application after having been presented with the application papers. The declaration filed June 7, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors 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) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 26 2007

OFFICE OF PETITIONS

TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO CA 94401

In re Application of

LU, Li-Chin
Application No. 10/744,159
Filed: December 21, 2003
Attorney Docket No. **N0122/PP/HH**

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 22, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **VENABLE LLP**
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

SPE: G. Huson

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/16/06

TO SPE OF : ART UNIT 3751

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744,177 Patent No.: 7004660

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**.

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: _____

GREGORY HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

SPE 3751 Art Unit

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

07/15/04

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/744186 received on 06/17/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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APR 22 2004

Jordan M. Meschkow
Meschkow & Gresham, PLC
Suite 409
Phoenix AZ 85014

In re Application :
Sylvester A. Pitzen, et al :
Serial No.: 10/744,187 : DECISION ON PETITION
Filed: December 23, 2003 :
For: Method for the Electrical Stimulation :
Of Human Tissue to Encourage Hair Growth:

This is in response to applicants' petition filed December 23, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has 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 John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

3762

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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APR 2 2 2004

Jordan M. Meschkow
Meschkow & Gresham, PLC
Suite 409
Phoenix AZ 85014

In re Application
Sylvester A. Pitzen, et al
Serial No.: 10/744,187
Filed: December 23, 2003
For: Method for the Electrical Stimulation
Of Human Tissue to Encourage Hair Growth:

DECISION ON PETITION

This is in response to applicants' petition filed December 23, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has 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 John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

Pet. Dec.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: MAY 18 2004 CST

In re application of Eshraghi et al Serial No. 10/744,203 Filed: December 23, 2003 For: SUBSTRATE-SUPPORTED PROCESS FOR MANUFACTURING MICROFIBROUS FUEL CELLS	: : : : : :	DECISION ON PETITION

This is a decision on the petition filed January 16, 2004 requesting that the above-identified application be granted Special Status under section 708.02(VI) of the MPEP and 37 CFR 1.102(c) – no fee required.

The request for Special Status is granted because the criteria set forth in MPEP 708.02(VI) and 37 CFR 1.102(c) has been met.

The petition is GRANTED.

Christine Tierney
Special Program Examiner, Technology Center 1700
571-272-1055

INTELLECTUAL PROPERTY/TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

08/03/04

Peter F. Snell
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/744206 received on 07/14/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

OCT 2 8 2005

OFFICE OF PETITIONS

In re Application of :
Ung-Hee Park et al :
Application No. 10/744,210 : DECISION GRANTING PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 51876P505 :

This is a decision on the petition, filed October 26, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 2, 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 3662 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

---

[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).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

COPY MAILED

OCT 13 2004

OFFICE OF PETITIONS

In re Application of :
Michael Jacob et al :
Application No. 10/744,222 : NOTICE
Filed: December 22, 2003 :
Attorney Docket No. SMB-PT094 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

Inquiries related to this communication should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1734.

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
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Jeffrey Dean Lindsay	: DECISION ON REQUEST FOR
Patent Number	: 7629043	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,238	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Mail Date: 04/21/2010

Applicant	: David J. Gruenwald	: DECISION ON REQUEST FOR
Patent Number	: 7600273	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,241	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **975** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Mail Date: 05/18/2010

Applicant : David J. Gruenwald
Patent Number : 7600273
Issue Date : 10/13/2009
Application No: 10/744,241
Filed : 12/23/2003

: 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 **1008** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Steven M. Greenberg, Esquire
Christopher & Welsberg, P.A.
Suite 2040
200 East Las Olas Boulevard
Fort Lauderdale, FL 33301

In re Application of
Creamer et al.
Application No. 10/744,249
Filed: December 22, 2003
Attorney Docket No.
BOC9-2003-0119US1 (1082-3

: DECISION ON PETITION

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed June 18, 2004, which is properly treated under 37 CFR 1.53(e)(2). Petitioners request that the Office accord the above-identified application a filing date of December 22, 2003.

Application papers in the above-identified application were deposited on December 22, 2003. However, on June 2, 2004, the Initial Patent Examination Division mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants filed the instant petition (and petition fee). Applicants contend that three sheets of drawings, containing figures 1-3, were submitted on filing. In support thereof, petitioners submitted a copy of the front and back of their return postcard from the PTO. Petitioners also supplied another copy of the sheets of drawings.

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 PTO on December 22, 2003, and the items filed therewith were assigned Application No. 10/744,249; 2) it specifically identifies the items being filed, including "3 sheets of formal drawings FIGS 1-3" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 3 sheets of formal drawings, were filed on December 22, 2003.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioners' request to refund the petition fee is granted. The petition fee will be refunded to Deposit Account No. 50-2104, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of December 22, 2003 using the application papers received in the Office and presently accorded that date; and 3 sheets of drawings, containing figures 1-3, resubmitted on petition filed June 18, 2004; and
- for indication in Office records that 3 sheets of drawings were present in the application on filing.

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 703-305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Motorola, Inc.
101 Tournament Drive
Horsham, PA 19044

COPY MAILED

AUG 14 2006

OFFICE OF PETITIONS

In re Application of

Chen, et al. :

Application No. 10/744,271

: DECISION ON PETITION

Filed: December 23, 2003

:

Attorney Docket No. D3142

This is a decision on the petition under 37 CFR 1.137(b), filed April 28, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 10, 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 September 11, 2005. A Notice of Abandonment was mailed on January 11, 2006

The amendment filed April 28, 2006, is noted and made of record.

The request for an extension of time within the third month, filed April 28, 2006, is noted but cannot be granted as the request was made outside the maximum statutory period for reply and the application was already in an abandoned status. Deposit account 50-2117 will be refunded 1020.00, accordingly.

The application is being forwarded to Technology Center2600, GAU 2644 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

DO NOT SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/26/07

Paper No.: _____

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744277 Patent No.: 7037835

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: PTO does not have the authority to make the requested corrections under 1.322.

_____ 2822

SPE Art Unit

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

3/20/07

Patent No. :7037835
Inventor(s) : Kyoung-woo Lee, et al.
Issued : 5/2/2006
Title : INTERCONNECTIONS HAVING DOUBLE CAPPING LAYER AND METHOD FOR FORMING 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 the col. 7, & 8 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. However the remaining request will be approved.

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

MILLS & ONELLO LLP
ELEVEN BEACON STREET, SUITE 605
Boston, Massachusetts 02108

HR/CBN

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/15/07

TO SPE OF : ART UNIT 2827 Zandra Smith Spe

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744277 Patent No.: 7037835

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: _____

_____

_____

_____

_____

Z Randall 2827

SPE Art Unit

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OFFICE OF PETITIONS

MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

In re Application of :
William Taylor et al :
Application No. 10/744,281 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. METHOD AND SYSTEM FOR UTILIZING A LOGICAL FAILOVER CIRCUIT FOR REROUTING DATA BETWEEN DATA NETWORKS

This is a decision on the petition, filed October 9, 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 August 24, 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 2113 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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AT&T Legal Department - HFZ
ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

Mail Date: 06/03/2010

Applicant	: William Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7639623	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/744,283	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1040** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Herbert L. Hall JR.	: DECISION ON REQUEST FOR
Patent Number	: 7587819	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,284	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1216** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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441 VINE STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of :
Chang et al. :
Application No. 10/744285 : ON PETITION
Filing or 371(c) Date: 12/23/2003 :
Attorney Docket Number: APCI-02 :

This is a decision on the Petition Under Rules 1.181, 1.183 and 1.47," filed August 29, 2007. The petition is properly treated under 37 CFR 1.183 seeking waiver of 37 CFR 1.131 in that it requires that a declaration filed thereunder be signed by all inventors.[1]

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. **FAILURE TO TIMELY RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.183."

This application was filed on December 23, 2003, and named Song Y. Chang, Mark Evans, Dnyanesh Tamboli and Stephen W, Hymes as joint inventors.

On August 29, 2007, the present petition, along with a declaration under 37 CFR 1.131 signed by joint inventor Dnyanesh Tamboli , was filed.

[1] Once an application has received a fully executed oath or declaration under 37 CFR 1.63 and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. See MPEP 603.

As to inventor Hymes, Petitioner states that he obtained a residence, home phone number and personal email address. Petitioner states that he sent an email to inventor Hymes that was not acknowledged or answered, and a telephone message left at the home number provided was also never acknowledged or answered.

As to inventor Chang, Petitioner states that he obtained a residence address and a telephone number, and messages left at inventor Chang's home and work telephone numbers were not acknowledged or answered.

As to inventor Evans, Petitioner obtained the inventor's residence. Petitioner was unable to contact inventor Evans, and an internet search "suggested he no longer lived at his last known address." Petitioner states that subsequent internet searches provided two telephone numbers, but calls to those numbers were not productive.

Analysis

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

There is no requirement for a showing under 37 CFR 1.47, as noted above. This application bears an original Declaration executed by all joint inventors, and thus, the provisions of 37 CFR 1.47 do not apply in this instance. Nevertheless, it is appropriate to apply the principles thereof to the situation at hand.

Specifically, where an inventor is unavailable (cannot be reached), Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. The MPEP provides:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See, MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be

> accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions. (Emphasis supplied).

Petitioners' showing is deficient in that proof of diligent efforts to locate the inventors has not been made.

Petitioner is required to send a copy of the declaration to the last known residence of the inventors. Petitioner asserts that an email was sent to the inventor Hymes. Petitioner is cautioned that receipt of an email transmission must be demonstrated by Petitioner before a petition may be granted. While receipt of an email may be confirmed by the sender, receipt of an email attachment may not be confirmed by the sender. Applicant is advised to mail the declaration, to the last known address of the inventor. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

If the last known mailing address is invalid, Petitioner must, at the very least, conduct an Internet search, or a search of telephone directories of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. If a more recent address is discovered for the inventors, petitioners should send the declaration to the inventor(s) at that address. If the inventor refuses orally, petitioners should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated efforts to locate the inventor(s) and obtain the declaration under 37 CFR 1.131 are unsuccessful, Petitioner will have shown that the inventor(s) cannot be located after diligent effort.

Finally, the address given on the petition differs from the address of record; however, the application file does not indicate a change of address has been filed in this case. 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.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (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

CC: CHRISTOPHER G. HAYDEN
HAYDEN STONE PLLC
101 COLUMBUS STREET, SUITE 409
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/744,307	12/23/2003	James Scott Dyer	16368D1-US	9564

7590 07/18/2005

Darin E. Bartholomew
Patent Department
DEERE & COMPANY
One John Deere Place
Moline, IL 61265-8098

EXAMINER	
MCELHENY JR, DONALD E	
ART UNIT	**PAPER NUMBER**
2857	

DATE MAILED: 07/18/2005

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Paper No. 20050525

Applicant : Dyer, James Scott et al.
Appl No.: 10/744,307
Filed: December 23, 2003

DECISION GRANTING PETITION UNDER *37 CFR 1.84*

This decision is in response to the petition filed December 23, 2003 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition states that color drawings of Figures 10-30B are necessary in order to completely and accurately represent the invention.

The petition complies with 37 C.F.R. 1.84(a)(2) in that it was accompanied by (1) the appropriate fee and (2) three sets of color drawings. The specification further includes the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on December 23, 2003 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2) and the petition is GRANTED.

Marc Hoff
Supervisory Patent Examiner, Art Unit 2857
Technology Center 2800

Darin E. Bartholomew
Patent Department
DEERE & COMPANY
One John Deere Place
Moline IL 61265-8098

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LEGAL DEPARTMENT
TERADYNE, INC.
321 HARRISON AVENUE
BOSTON, MA 02118

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OFFICE OF PETITIONS

In re Application of :
Donald W. Milbrand, Jr., et al. :
Application No. 10/744,328 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 1840-US :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 28, 2005.

The petition is GRANTED.

The application became abandoned for failure to pay the issue fee on or before June 10, 2005. A Notice of Abandonment was mailed on October 17, 2005. Receipt is acknowledged of the requisite issue/publication fee on November 28, 2005.

The application is being referred 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 (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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FORT WORTH, TX 76134

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OFFICE OF PETITIONS

In re Application of
Phuock Nguyen, et al.
Application No. 10/744,329
Filed: December 23, 2003
Attorney Docket No. 2545US

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before January 26, 2007. The issue fee was paid on February 1, 2007. On February 21, 2007, a Notice of Abandonment was mailed. In response, on February 27, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) since petitioner has supplied (1) the reply in the form of the $1,400 issue fee and the $300 publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

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

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WOOD, HERRON & EVANS, LLP
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441 VINE STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of :
Achilefu et al. :
Application No. 10/744,334 : DECISION REFUSING STATUS
Filed: December 23, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. MRD/55CP :

This is in response to the petition under 37 CFR 1.47(a), filed July 9, 2004 (certificate of mailing July 6, 2004).

The petition is **dismissed**.

Applicants are 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 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 December 23, 2003, without an executed declaration. Accordingly, on April 5, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring an executed declaration and a surcharge for the late filing of the declaration.

In response, on July 9, 2004 (certificate of mailing July 6, 2004), applicants filed the present petition, a request for a one-month extension of time to reply, a declaration signed by 4 out of 5 joint inventors, and paid the necessary fees.

In the Declaration of Facts, Tammy Torres stated that Samuel Achilefu indicated receipt of the Declaration and Assignment but was unwilling to review the documents without compensation.

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. Applicants lack item (1) as set forth above.

As to item (1), it appears that Dr. Achilefu was presented with only a copy of the Declaration and Assignment. Unless Dr. Achilefu was presented with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he has "reviewed and understands the application papers," and therefore, could not sign the declaration that he was given. Accordingly, applicants failed to show or provide proof that Dr. Achilefu, the nonsigning inventor, has refused to sign the declaration. See MPEP 409.03(d). To show that the inventor has refused to join in the application, applicants must show that a complete copy of the application papers, including the specification, claims and drawings, was presented to Dr. Achilefu, personally or through his designated representative, and that he did not respond to the request that he sign the declaration. Applicants have not meet the requirement under 37 CFR 1.47(a) with respect to Dr. Achilefu.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

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

By FAX:
(703) 872-9306
Attn: Office of Petitions

By hand:
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of	:	
Achilefu et al.	:	
Application No. 10/744,334	:	DECISION GRANTING STATUS
Filed: December 23, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. MRD-55CP	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 26, 2004.

The petition is granted.

Petitioner has shown that Dr. Samuel Achilefu, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Beverly A. Lyman, Ph.D, Esquire establishes that the inventor was presented with the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

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

This matter will be referred to Technology Center Art Unit 1616 for examination in due course.

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

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United States Patent and Trademark Office
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Samuel Achilefu, Ph.D.
10907 Leighton Court
St. Louis, MO 63146

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NOV 24 2004

OFFICE OF PETITIONS

In re Application of :
Achilefu et al. :
Application No. 10/744,334 : LETTER
Filed: December 23, 2003 :
Attorney Docket No. MRD-55CP :

Dear Dr. Achilefu:

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.

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).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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SILICON EDGE LAW GROUP LLP
6601 KOLL CENTER PARKWAY, SUITE 245
PLEASANTON CA 94566

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AUG 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Hudson et al. :
Application No.10/744,342 : ON PETITION
Filed: December 22, 2003 :
Title of Invention: Computerized Method And :
System For Searching For Text Passages In Text :
Documents

This is a decision on the petition filed June 15, 2005 under 37 CFR 1.137(a). This petition is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

This application became abandoned for failure to timely submit a response to the Notice to File Missing Parts mailed April 6, 2004. The notice set an extendable 2 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 7, 2004. A Notice of Abandonment was mailed on June 9, 2005.

The petition to withdraw the holding of abandonment is **GRANTED**.
The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The petition fee in the amount of $250.00 will be refunded in the form of a treasury check.

The Office acknowledges receipt of the declaration submitted with the petition on June 15, 2005.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Eugene C. Rzucidlo
Greenberg Traurit, LLP
22nd Floor
885 Third Avenue
New York NY 10022

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FEB 09 2005

OFFICE OF PETITIONS

In re Application of
Mikola Grechanyuki
Application No. 10/744,344
Deposited: December 23, 2003
Attorney Docket No. 99921.692692
Title: METHOD TO PRODUCE MICROLAYER THERMOSTABLE MATERIALS

DECISION GRANTING PETITION

This is a decision on the petition filed June 2, 2004 , requesting that the above-identified application be accorded a filing date of December 23, 2003. The petition is being treated under 37 CFR 1.182.

The application was deposited on December 23, 2003. However, on April 5, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that a filing date had **not** been granted and requiring drawings as described in the specification. The "Notice" further stated that the filing date would be the date of receipt of the omitted drawings.

In response, on June 2, 2004, applicant filed the present petition and 7 sheets of drawings containing figures 1-16. Petitioner acknowledges the drawings were inadvertently not included but the Switzerland priority document filed on December 23, 2003 included a copy of the drawings.

Review of the papers deposited on December 23, 2003, reveals that seven (7) sheets of drawings were present in the USPTO on December 23, 2003, albeit in the certified copy of the priority document. Since the papers filed on December 23, 2003, included 7 sheets of drawings, on petition, the papers may be accorded a filing date of December 23, 2003.

The petition is granted.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 23, 2003, using the copy of the Switzerland priority document, supplied on December 23, 2003.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3215.

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
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JUN 22 2007

OFFICE OF PETITIONS

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

In re Application of :
Mohammad J. Borran et al :
Application No. 10/744,351 : DECISION ON PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 042933/303082 : AND (a)(6)

This is a decision on the petition treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 12, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) and 119(e) for the benefit of priority to prior-filed Provisional Application No. 60/398,418, filed July 25, 2002 and international Application No. PCT/US03/23135, filed July 24, 2003, as set forth in the accompanying 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) 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) 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 the application is entitled to the benefit of the prior-filed applications. In order for the application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2)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 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 the examiner of Technology Center Art Unit 2609 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) and 119(e) to the above-noted, prior-filed applications.

Frances Hicks
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/744,351	12/22/2003	2609	900	042933/303082	20	3

CONFIRMATION NO. 1830

CORRECTED FILING RECEIPT

OC000000024453872

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 06/21/2007

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)

Mohammad J. Borran, Houston, TX;
Prabodh Varshney, Coppell, TX;
Hannu Vilpponen, Oulu, FINLAND;
Panayiotis Papadimitriou, Euless, TX;

Power of Attorney: The patent practitioners associated with Customer Number **00826**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US03/23135 07/24/2003
which claims benefit of 60/398,418 07/25/2002

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/744,351

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and method for improved performance in MC-CDMA radio telecommunication systems that use pulse-shaping filters

Preliminary Class

370

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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APR 12 2005

RAMON L. PIZARRO
Suite 200
3515 SOUTH TAMARAC DRIVE
DENVER CO 80237

In re Application of	:	
W. Hudgens	:	
Serial No.: 10/744,352	:	DECISION ON PETITION
Filed: December 22, 2003	:	
For: Neck Traction System	:	

This is in response to applicants' petition filed October 5, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(a), based on applicant's health condition.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV with supporting documentation. Therefore the petition is hereby **GRANTED**.

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

Should there be any questions with regard to this letter please contact Richard Bertsch letter addressed to the Director, Technology Center 3700, or by telephone at (571) 272-4050 or by facsimile transmission at (703) 872-9306.

/Richard A. Bertsch/
Richard A. Bertsch, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 12, 2007

TO SPE OF : ART UNIT 3683

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744357 patent No.: 6,886,679

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: _____

_____

_____

_____

_____

Robert A Siconolfi — **SPE**

3683 — **Art Unit**

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of :
Le Tang, et al. :
Application No. 10/744,386 : DECISION ON PETITION
Filed: December 23, 2003 : TO WITHDRAW
Attorney Docket No. ABTT-0386/B020591 : 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 19, 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 Steven B. Samuels on behalf of all attorneys of record who are associated with customer No. 23377.

All attorneys/agents associated with the Customer Number 23377 have been withdrawn.

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

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

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

There is an outstanding Office action mailed January 11, 2007 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: LE TANG
107 SUMMERGLOW COURT
CARY, NC 27513

cc: ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/744,386	12/23/2003	Le Tang	ABTT-0386/B020591

CONFIRMATION NO. 2093

OC000000024317270

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 06/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/19/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

In re Application of :
Ravi S. Hariharan :
Application No. 10/744,403 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No.: **2560.057 (50-03-032)** :

This is a decision on the REQUEST PURSUANT TO 37 CFR 1.8 TO ACCEPT CORRESPONDENCE AS TIMELY FILED, filed June 12, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on February 15, 2008, for failure to submit a timely response to the Final Office Action mailed November 14, 2007, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed June 6, 2008.

Petitioner asserts that a response was filed and, in support, submits, *inter alia*, a copy of the response said to have been filed with a one month extension of time request, and which includes a certificate of mail date of March 14, 2008 and a post card receipt date stamped April 28, 2008 by the USPTO.

The evidence submitted corroborates a timely response to the Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter is being referred to Technology Center 2139 for appropriate action on the amendment filed March 14, 2008, a copy of which was submitted June 12, 2008 with the instant petition.

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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WASHINGTON, D.C. 20231
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Paper No. 20050927

Applicant : Dyer, James et al.
Appl No.: 10/744,419
Filed: December 23, 2003

DECISION DISMISSING PETITION UNDER *37 CFR 1.84*

This decision is in response to the petition filed December 23, 2003 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition states that color drawings of Figures 10-30B are necessary in order to completely and accurately represent the invention.

A grantable petition under 37 C.F.R. 1.84(a)(2) requires submission of the following: (1) the appropriate fee, (2) three sets of color drawings, and (3) the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on December 23, 2003 fail to comply with the requirements set forth in 37 C.F.R. 1.84(a)(2), in that only one copy of the color drawings was included. Further, although Applicants included Figures 25C and 28C among the figures for which color drawing approval is sought, Figures 25C and 28C were not submitted with the set of color drawings filed.

The petition is therefore DISMISSED.

Marc Hoff
Supervisory Patent Examiner, Art Unit 2857
Technology Center 2800

Darin E. Bartholomew
Patent Department
DEERE & COMPANY
One John Deere Place
Moline IL 61265-8098

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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

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OFFICE OF PETITIONS

In re Application of Dyer et al. :
Application No. 10/744,419 : Decision on Petition
Filing Date: December 23, 2003 :
Attorney Docket No. 16368D2-US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 2006, to revive the above-identified application.

The petition is **granted**.

A Notice of Allowability requiring corrected drawings was mailed October 6, 2005.

A decision dismissing a petition to accept color drawings was mailed October 6, 2005.

Neither new drawings nor a request for reconsideration of the dismissal were mailed in reply to the Notice and decision.

The application became abandoned as of midnight on January 6, 2006.

A Notice of Abandonment was mailed May 3, 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 2857 will be informed of the instant decision and will consider the petition to accept color drawings filed May 15, 2006, 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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OFFICE OF PETITIONS

POWER SYSTEMS MANUFACTURING
1440 WEST INDIANTOWN ROAD
SUITE 200
JUPITER, FL 33458

In re Application of :
Vincent C. Martling, et al. :
Application No. 10/744,423 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. PHB-34.173 :

This is a decision on the renewed petition, filed January 13, 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 respond in a timely manner to the Notice of Allowance/Allowability mailed June 29, 2005, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on November 16, 2005.

The present petition is found to comply with the requirements of 37 CFR 1.137(b).

The application is being forwarded to the Office of Publications to oversee the review of the drawings filed January 13, 2006.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Status inquires related to processing at Publishing Division should be directed to (703) 305-8283.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

04/09/04

Matthew T. Byrne
Hale and Dorr LLP
300 Park Avenue
New York, NY 10022

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/744431 received on 02/23/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

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SAWYER LAW GROUP LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO CA 94303

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AUG 0 4 2008

In re Application of :
Charles D. Ball et al. :
Application No. 10/744,441 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. RPS920030224US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Rejection of June 21, 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 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 a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2188 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.

Andrea Smith
Petitions Examiner
Office of Petitions

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LENOVO (US) IP Law
1009 Think Place
Building One, 4th Floor 4B6
Morrisville, NC 27560

Mail Date: 04/21/2010

Applicant	: Charles Douglas Ball	: DECISION ON REQUEST FOR
Patent Number	: 7590845	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,441	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **982** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PAULA D. MORRIS
THE MORRIS LAW FIRM, P.C.
PO BOX 420787
HOUSTON TX 77242-0787

COPY MAILED

DEC 15 2008

OFFICE OF PETITIONS

In re Application of :
Alsobrook, et al. :
Application No. 10/744,443 : DECISION
Filed/Deposited: 23 December, 2003 :
Attorney Docket No. 154-30774-US :

This is a decision on the petition filed on 31 July, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be filed **within two (2) months** from the mail date of this decision. *Note* 37 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

As is discussed below, the question herein is whether Petitioner replied timely to the 9 August, 2008, Notice of Allowance/Allowability and Fees Due—and, as will be seen, the answer is that Petitioner did not.

BACKGROUND

The record reflects as follows:

On 7 May, 2007, the Office mailed the Notice of Allowance/Allowability and Fees Due with reply due under a non-extendable deadline on or before 7 August, 2007.

On 12 July, 2007, Petitioner replied with a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an information disclosure statement (IDS).

Inexplicably, before the Office took any other action, on 7 August, 2007, Petitioner paid the previously noticed—but, in light of Petitioner's filing of the RCE, fee and IDS, no longer due—fees due.

On 9 August, 2007, the Office mailed the Notice of Allowance/Allowability and Fees Due (the 9 August, 2007, Notice) with reply due under a non-extendable deadline on or before 9 November, 2007.

Petitioner did not reply timely and properly to the 9 August, 2007, Notice.

The application went abandoned by operation of law after midnight 9 November, 2007.

The Office mailed the Notice of Abandonment on 14 December, 2007.

On 18 December, 2007, Petitioner filed a reply that indicated the fees due had been paid previously (i.e., on 7 August, 2007), and the Office was to use those funds in satisfaction of the fees due.

Thereafter, Petitioner appears to have taken no further action until more than seven (7) months after the mailing of the Notice of Abandonment—and that action was taken on 31 July, 2008, when Petitioner filed a package of actions and improvidently included into a single paper both the instant petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181and a request to withdraw from issue.

Petitioner is reminded that such a combination of petitions is not proper, and Petitioner's attentions are directed to the regulations at 37 C.F.R. §1.4(c). The request (with fee) to withdraw from issue and other associated papers are not properly rolled-up into the instant

petition and are to be filed as papers separate from a petition pursuant to 37 C.F.R. §1.181 or §1.137(b).

Petitioner's argument, in sum, is that told the Office where to find the fees due before the Office mailed the 9 August, 2007, Notice of Allowance/Allowability and Fees Due—and Petitioner submits copies of the 7 August, 2007, submission, as well as copies of the 18 December, 2007, submissions, all discussed/described above.

The discussion at MPEP 711.03(c)(I) provides in pertinent part:

> * * *
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the

private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

While Petitioner may have submitted replies—as noted earlier—the 7 August, 2007, payment was at least two days before the Office action was mailed and the 18 December, 2007, reply was submitted roughly five weeks after reply was due.

Petitioner's problem, thus, is that the 9 August, 2007, payment was improvidently made too early, and the 18 December, 2007, reply was improvidently made too late.

Moreover, the record reveals that Petitioner waited from 14 December, 2007 (the date of the mailing of the Notice of Abandonment), until 31 July, 2008, to file the instant petition. Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c)(I), in pertinent part:

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

***

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

---

[1] *See*: MPEP §711.03(c) (I)(B).

> Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).
>
> ***

Thus, Petitioner did not comply with the Rules of Practice and, as of this writing Petitioner has not timely made the showing required herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

---

[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).

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

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

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

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

By facsimile:
(571) 273-8300
Attn: 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[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] 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

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PO BOX 420787
HOUSTON TX 77242-0787

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
Alsobrook, et al. :
Application No. 10/744,443 : DECISION
Filed/Deposited: 23 December, 2003 :
Attorney Docket No. 154-30774-US :

This is a decision on the petition filed on 14 January, 2009, 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 as follows:

On 7 May, 2007, the Office mailed the Notice of Allowance/Allowability and Fees Due with reply due under a non-extendable deadline on or before 7 August, 2007.

On 12 July, 2007, Petitioner replied with a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an information disclosure statement (IDS).

Inexplicably, before the Office took any other action, on 7 August, 2007, Petitioner paid the previously noticed—but, in light of Petitioner's filing of the RCE, fee and IDS, no longer due—fees due.

On 9 August, 2007, the Office mailed the Notice of Allowance/Allowability and Fees Due (the 9 August, 2007, Notice) with reply due under a non-extendable deadline on or before 9 November, 2007.

Petitioner did not reply timely and properly to the 9 August, 2007, Notice.

The application went abandoned by operation of law after midnight 9 November, 2007.

The Office mailed the Notice of Abandonment on 14 December, 2007.

On 18 December, 2007, Petitioner filed a reply that indicated the fees due had been paid previously (i.e., on 7 August, 2007), and the Office was to use those funds in satisfaction of the fees due.

Thereafter, Petitioner appears to have taken no further action until more than seven (7) months after the mailing of the Notice of Abandonment—and that action was taken on 31 July, 2008, when Petitioner filed a package of actions and improvidently included into a single paper both the instant petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181 and a request to withdraw from issue. (*Petitioner was reminded that such a combination of petitions is not proper, and Petitioner's attentions were directed to the regulations at 37 C.F.R. §1.4(c). The request (with fee) to withdraw from issue and other associated papers were not properly rolled-up into another petition and were to be filed as papers separate from a petition pursuant to 37 C.F.R. §1.181 or §1.137(b).)* Petitioner failed to satisfy the showing in the guidance at the Commentary at MPEP 711.03(c)(I). While Petitioner may have submitted replies—as noted earlier—the 7 August, 2007, payment was before the Office action was mailed and the 18 December, 2007, reply was submitted some five weeks after reply was due. The 9 August, 2007, payment was improvidently made too early, and the 18 December, 2007, reply was improvidently made too late. Moreover, Petitioner waited from 14 December, 2007 (the date of the mailing of the Notice of Abandonment), until 31 July, 2008, to file the instant petition. Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner was reminded of the guidance set forth in the Commentary at MPEP §711.03(c)(I) as to untimely petitions to withdraw the holding of abandonment.Thus, Petitioner did not comply with the Rules of Practice and the petition was dismissed 15 December, 2008.

On 14 January, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) averring unintentional delay, a reply in the form of the previously filed RCE, fee and IDS, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of
Unintentional Delay

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 application is held pending determination of the petition to withdraw from issue, before being released to the Technology Center/AU 1712 for further processing in due course.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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PO BOX 420787
HOUSTON TX 77242-0787

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of
Charles W. Alsobrook et al
Application No. 10/744,443
Filed: December 23, 2003
Attorney Docket No. 154-30774-US

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(c)(3)

This is a decision on the petition entitled "Petition to Withdraw Application from Issue under 37 C.F.R. 1.313(c)(3) with RCE under 37 C.F.R. 1.114(b) filed herewith," in conjunction with a Petition Under 37 C.F.R. 1.181(a) to Withdraw Holding Of Abandonment filed July 31, 2008.

The petition is **Dismissed** as Moot.

The petition is dismissed as moot as the petition under 37 CFR 1.181 was dismissed on December 15, 2008. **No** petition fee charged for the above petition.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

S.H. DWORETSKY
AT&T CORP.
PO BOX 4110
MIDDLETOWN, NJ 07748

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JUL 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Buchsbaum et al. :
Application No. 10/744,467 :
Filed: December 23, 2003 :
Attorney Docket No. Buchsbaum 1999-0131 :

ON PETITION

This decision concerns the May 28, 2004 "Petition under 37 CFR 1.47(a)."

The petition is **DISMISSED.**

Three inventors are named in this application which, upon filing, included a "Declaration and Power of Attorney" that had not been signed by one of the joint inventors, Raffaele Giancarlo ("Giancarlo"). A "Notice to File Missing Parts of Nonprovisional Application" was mailed on April 6, 2004, setting forth a 2-month reply period. The instant petition then followed, requesting that the remaining inventors be allowed to file this application on behalf of themselves as well as Giancarlo. The petition is accompanied by a declaration signed by the 2 available inventors ("5/28/04 Declaration").

The petition asserts in essence that Giancarlo could not be reached after a diligent effort. The Office disagrees. For example, the petition has not supplied any evidence of the alleged e-mail contacts with Giancarlo, or that an Internet search has been conducted, in vain, to locate Giancarlo's current mailing address. The petition is thus dismissed.[1] The 5/28/04 Declaration is not accepted.

---

[1] MPEP section 409.03(d) (Rev. 1, Feb. 2003) REFUSAL TO JOIN (A refusal by an inventor to sign an oath/declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join in the application unless it is clear that the inventor understands exactly what he is being asked to sign and refuses to accept the application papers.); also citing In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956) (It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath/declaration is directed.).

Notwithstanding the §1.47(a) petition, the 5/28/04 Declaration is defective. Specifically, this declaration includes a signature page 2 (naming, and signed by, the first joint inventor), a signature page 3 (containing identifiers for Giancarlo), and a signature page 4 (naming, and signed by, the third joint inventor). This declaration thus appears to be a composite of separate pages signed by the inventors at different times.[2]

To prevent abandonment of this application,[3] a renewed §1.47(a) petition must be filed within **TWO MONTHS**[4] of the mailing date of this decision along with, as appropriate:

-evidence establishing that Giancarlo cannot be found or reached after a diligent effort;
-a substitute oath/declaration properly signed as discussed above;

and should be addressed as follows:

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Finally, the Office acknowledges receipt with the instant petition of the $130 petition fee and the $130 surcharge for lacking a proper oath or declaration upon filing of the application.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

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[2] It appears that each of the 2 available inventors had only been provided with the page he later signed. A complete oath/declaration may be a set of oaths/declarations each signed by less than all of the inventors, but **each in itself contains the complete identifiers for the application/invention as well as the inventorship**, thus indicating that each signing inventor was provided with a complete oath/declaration for signature.

[3] 37 CFR 1.53(f).

[4] Extensions of time under 37 CFR 1.136(a) are available.

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. S.H. DWORETSKY
AT&T CORP.
PO BOX 4110
MIDDLETOWN NJ 07748

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FEB 2 1 2007

OFFICE OF PETITIONS

In re Application of :
Buchsbaum, Giancarlo, and :
Westbrook : DECISION ON PETITION
Application No. 10/744,467 :
Filed: 23 December, 2003 :
Atty Docket No. 1999-0131CON :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 13 September, 2004.

The petition is **DISMISSED AS MOOT**.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

Petitioners assert that this application is a continuation of Application No. 09/643,580, and that non-signing inventor Giancarlo did not sign the oath or declaration required by 37 CFR 1.63 in the prior-filed application. It is additionally noted that the declaration filed in the present application is a copy of the declaration filed in the prior-filed application, No. 09/643,580.

It is further noted that a petition under 37 CFR 1.47(a) was granted in the parent application on 2 December, 2004.

37 CFR 1.63(d)(3) states:

> Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
>
> (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The petition was not accompanied by a copy of the decision granting a petition under 37 CFR 1.47(a) in the prior application. However, in order to expedite processing of this application, a copy of the decision granting 37 CFR 1.47(a) status to the parent application has been made and placed in the instant continuation application.

The above-identified application and papers are now in compliance with 37 CFR 1.47(a). This application is hereby accorded rule 1.47(a) status. As provided in 37 CFR 1.47(c), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette[1] since notice regarding the filing of the prior application was given to the nonsigning inventor.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3231.

This application is being forwarded to Technology Center AU 2151 for further processing.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[1] Note Federal Register, Vol. 65, No. 175; Friday, September 8, 2000.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES E. BAXLEY
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of :
Sen Tien Shih :
Application No. 10/744,471 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 14123 B :

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 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 final Office action mailed October 20, 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 21, 2005.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2875.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 7, 2006

TO SPE OF : ART UNIT 3681

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744475 Patent No.: 7,000,751 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Elisha Evans
Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

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

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

Comments: The instructions for the requested Corrections are unclear/incomplete because:
1) In line 42 of column 6 there are two occurences of the word "to"; and
2) In line 50 the instructions do not specify what should be done with the word "pin".

C. Morrison — SPE

3681 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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July 26, 2006

FILE COPY

Patent No. : 7,000,751 B2
Ser. No. : 10/744475
Inventor(s) : AbuSamra, et al.
Issued : February 21, 2006
Title : **NORMALLY OPEN CLUTCH ASSEMBLY DEVICE**
Docket No. : 60446-253

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.

The instructions for the requested corrections are unclear/incomplete because:

1) In **column 6, line 42** there are two occurrences of the word "**to**"; and
2) The word "**pin**", purported to be in **column 6, line 50**, cannot be found in the printed patent.

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

Elisha Evans
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

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Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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JAN 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No.: 10/744,502 : LETTER
Filed: December 21 2003 :
Attorney Docket No.: 038779/272403 :
For: SPEAKER SYSTEM HAVING A FRONT SPEAKER INTEGRATED WITH A RELECTION-TYPE SURROUND SPEAKER

This communication is in response to the papers filed in the instant application on November 15, 2004 (certificate of mailing date November 12, 2004).

The undersigned assumes petitioners desire consideration under 37 CFR 1.10(c). Unfortunately, the petition itself is missing. Only page 2, the certificate of mailing page, and accompanying exhibits (Express Mail receipt, USPS receipt, copy of original transmittal letter) are present.

Petitioners are requested to submit another copy of the petition within one month of the mail date of this letter.

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
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

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

Telephone inquiries regarding this communication 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

DLA PIPER RUDNICK GRAY CARY US LLP
2000 UNIVERSITY AVENUE
E PALO ALTO CA 94303-2248

COPY MAILED
OCT 16 2006
OFFICE OF PETITIONS

In re Patent No. 6,944,064 :
Issue Date: September 13, 2005 : DECISION ON PETITION
Application No. 10/744,504 :
Filed: December 22, 2003 :

This is a decision on the petition for duplicate letters patent under 37 CFR 1.182, filed April 21, 2006.

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

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703)308-9250, extension 139.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letters patent.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD (FAX 571-270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304

In Re Application of	:	
Serial No.: 10/744,508	:	
Filing Date: December 22, 2003	:	DECISION ON PETITION
Applicant: Ronghao LI et al	:	
Attorney Docket No.: 415072000611	:	

This is in response to petition filed under 37 CFR 1.84(a)(2) on December 22, 2003. The delay is regretted.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, the petition is granted.

Petition Granted.

Cecilia Tsang
SPE, Art Unit 1625
(571) 272-0562

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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
10/744,508	12/22/2003	1651	685	415072000611	5	3	3

CONFIRMATION NO. 9699

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

CORRECTED FILING RECEIPT

OC000000015325386

OC000000015325386

Date Mailed: 03/03/2005

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)

Laura Bald, Los Altos, CA;
Jennie Powell Mather, Millbrae, CA;
Ronghao Li, Millbrae, CA;

Power of Attorney: The patent practitioners associated with Customer Number **25226**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/445,179 05/23/2003
which is a DIV of 09/545,659 04/10/2000

Foreign Applications

If Required, Foreign Filing License Granted: 04/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/744,508

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

HUMAN OVARIAN MESOTHELIAL CELLS AND METHODS OF ISOLATION AND 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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801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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OFFICE OF PETITIONS

In re Application of :
Kuo Y. Lung :
Application No. 10/744,510 : DECISION ON PETITION
Filed: December 22, 2003 : TO WITHDRAW
Attorney Docket No. 13724-07835 : 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 1, 2007.

The request is **APPROVED**.

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

The request was signed by Robert A. Hulse on behalf of all attorneys of record who are associated with customer No. 00758.

All attorneys/agents associated with the Customer Number 00758 have been withdrawn.

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

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

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

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: KUO Y. LUNG
5F NO. 51, JENG-RUNG ST.
KEELUNG,
TAIWAN

cc: MR. VINCENT LEE
KAN-HWA INTERNATIONAL
PATENT & TRADEMARK & LAW OFFICES
10-1FL. NO. 23 SEC 1.
CHANG-AN E. RD.
TAIPEI
TAIWAN, R.O.C.

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/744,510	12/22/2003	Kuo Y. Lung	23724-07835

CONFIRMATION NO. 9702

OC000000024757916

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 07/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/01/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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JUL 20 2005

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P.O. BOX 2567
GRAND RAPIDS, MI 49501

In re application of
Charles W. Hadaway et al.
Application No. 10/744,514 : DECISION ON REQUEST
Filed December 23, 2003 : FOR WITHDRAWAL OF
For: WHEEL FOR LAWNMOWERS AND THE LIKE : ATTORNEY

This is a decision on the request filed on June 13, 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. For approval of such a request the following conditions must 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) 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);
C) 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;
D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition B) above.

As to condition B), The statement included in the request, "No longer representing this applicant," does not satisfy one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(4) or (c)(1)-(6).

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/slb: 07/06/05

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AUG 2 0 2004

TECHNOLOGY CENTER 3600

RICHARD K. THOMSON, ATTORNEY
7691 FAIRLANE DRIVE
FAIRVIEW, PA 16415

In re application of : **DECISION ON PETITION**
William A. Clarke : **TO MAKE SPECIAL**
Application No. 10/744,519 : **(APPLICANT'S AGE)**
Filed: December 23, 2003 :
For: COMBINED STROLLER, WALKER, AND PLAY STATION

This is a decision on the petition submitted on July 06, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Mr. Clarke 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.

Best Available Copy

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/slb: 8/12/04

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

Date :06/07/07

Patent No. : 7206795 B2
Ser. No. : 10/744,536
Inventor(s) : BONO, JEAN-PIERRE
Issued : 04/17/07
Title : **PREFETCHING AND MULTITHREADING FOR IMPROVED FILE READ PERFORMANCE**
Docket No. : 10830.0107NP

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:

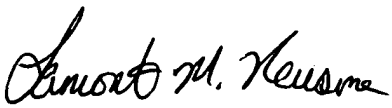
By mail: Mail Stop PETITIONS

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.



Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

RICHARD AUCHTERLONIE
NOVAK DRUCE & QUIGG, LLP
1000 LOUISIANA
53RD FLOOR
HOUSTON TX 77002

LMN

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JUL 06 2007

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Pierre Bono.	U.S. Patent 7,206,795 B2
Serial No.: 10/744,536 Confirm 1634	Group Art Unit: 2165
Filed: 12/22/2003	Examiner: Mizrahi, Diane D.
For: Prefetching and Multithreading for Improved File Read Performance	Atty. Dkt. No.: 10830.107.NPUS00

REQUEST UNDER 37 CFR 3.81(b)

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OFFICE OF PETITIONS

Via Fax (571) 273-8300
ATTN: Office of Petitions
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

Please find attached copies of a proposed Certificate of Correction of U.S. Patent 7,206,795 B2, a Notice of Recordation of Assignment Document reflecting reel and frame number (014858/0185) where the assignment is recorded and reflecting proof of the date (12/22/2003) the assignment was submitted for recordation, and a Request For Patent to be Corrected To State The Name of the Assignee as filed on May 29, 2007 and stamped to indicate acceptance of a $100 fee for the Certificate of Correction and a $130 fee for processing of a Request under 37 CFR 3.81 (b). Also attached is a copy of a communication dated June 7, 2007 from the Certificates of Corrections Branch indicating that any request under 37 CFR 3.81(b) should be directed to the Office of Petitions and include a statement that the failure to include the

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correct assignee name on the PTOL-85B was inadvertent. These attached copies are from the electronic file wrapper of Ser. 10/744,536 on public PAIR.

The undersigned states that the failure to include the correct assignee name on the form PTOL-85B was inadvertent.

The undersigned respectfully requests that this 37 C.F.R. 3.81(b) Request be granted by approving the correction of US Patent 7,206,795 B2 to state the name of the Assignee, EMC Corporation. Please forward the file to the Certificates of Correction Branch, for issuance of a Certificate of Correction, if this Request is granted.

Please apply the previously paid processing fee of $130 to this request. Please charge any deficiency in any required fee to EMC Corporation Deposit Account No. 05-0889, order No. EMC-03-143.

Respectfully submitted,

/Richard Auchterlonie/

July 6, 2007
(date)

Richard C. Auchterlonie, Reg. 30,607

NOVAK DRUCE & QUIGG, LLP
1000 Louisiana, 53rd Floor
Houston, TX 77002
713-571-3460

PAGE 2/9 * RCVD AT 7/6/2007 7:41:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/17 * DNIS:2738300 * CSID:7137510013 * DURATION (mm-ss):01-48

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www.uspto.gov

Date :06/07/07

Patent No. : 7206795 B2
Ser. No. : 10/744,536
Inventor(s) : BONO, JEAN-PIERRE
Issued : 04/17/07
Title : **PREFETCHING AND MULTITHREADING FOR IMPROVED FILE READ PERFORMANCE**
Docket No. : 10830.0107NP

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JUL 10 2007
OFFICE OF PETITIONS

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:

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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.

Lamonte M. Newsome

Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

RICHARD AUCHTERLONIE
NOVAK DRUCE & QUIGG, LLP
1000 LOUISIANA
53RD FLOOR
HOUSTON TX 77002

LMN

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CERTIFICATE OF MAILING
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date below:

24 May 2007
Date

Signature Reg. 30,607

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Pierre Bono.

Serial No.: 10/744,536 Confirm 1634

Filed: 12/22/2003

For: Prefetching and Multithreading for Improved File Read Performance

U.S. Patent 7,206,795 B2

Group Art Unit: 2165

Examiner: Mizrahi, Diane D.

Atty. Dkt. No.: 10830.107.NPUS00

REQUEST FOR PATENT TO BE CORRECTED

TO STATE THE NAME OF THE ASSIGNEE

Certificate of Correction Branch
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

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OFFICE OF PETITIONS

Sir:

Pursuant to 37 C.F.R. 3.81(b), applicants hereby request U.S. Patent 7,206,795 B2 to be corrected to state the name of the assignee. The assignment was submitted for recordation as set forth in 37 C.F.R. 3.11 before issuance of the patent. (See the enclosed copy of the Notice of Recordation of Assignment Document indicating that the assignment was recorded on Dec. 22, 2003, at Reel/Frame 014858/0185).

05/30/2007 LWONDIM1 00000016 7206795

01 FC:1811 100.00 OP
02 FC:1464 130.00 OP

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Bono Ser. 10/744,536

Applicants respectfully request a Certificate of Correction under 37 C.F.R. 1.323 in accordance with the enclosed one page of PTO Form PTO/SB/44 (PTO-1050) indicating the requested correction. The correction does not constitute new matter, and does not require reexamination. Enclosed is a check for $230 to cover the fee of $100 set forth in 37 C.F.R. 1.20(a) and the processing fee of $130 set forth in 37 C.F.R. 1.17(i). Please deduct any deficiency or refund any excess in the required fees from Deposit Account No. 05-0889, Order No. EMC-03-143.

Respectfully submitted,

24 May 2007
(date)

Richard C. Auchterlonie
Reg. No. 30,607

NOVAK DRUCE & QUIGG, LLP
1000 Louisiana, 53rd Floor
Houston, TX 77002
713-571-3460

PAGE 6/9 * RCVD AT 7/6/2007 7:41:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/17 * DNIS:2738300 * CSID:7137510013 * DURATION (mm-ss):01-48

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JULY 16, 2004

PTAS

HOWREY SIMON ARNOLD & WHITE, LLP
RICHARD C. AUCHTERLONIE
750 BERING DRIVE
HOUSTON, TX 77057-2198

102642547A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/22/2003

REEL/FRAME: 014858/0185
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BONO, JEAN-PIERRE

DOC DATE: 12/22/2003

ASSIGNEE:
EMC CORPORATION
176 SOUTH STREET
HOPKINTON, MASSACHUSETTS 01748

SERIAL NUMBER: 10744536
PATENT NUMBER:

FILING DATE: 12/22/2003
ISSUE DATE:

TITLE: PREFETCHING AND MULTITHREADING FOR IMPROVED FILE READ PERFORMANCE

014858/0185 PAGE 2

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

PTO/SB/44 (04-04)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,206,795 B2

DATED : Apr. 17, 2007

INVENTOR(S) : Bono

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On page 1, after the listing of Inventors and before the Notice, the following is inserted:

– (73) Assignee: EMC Corporation, Hopkinton, MA (US) –.

MAILING ADDRESS OF SENDER:

Novak Druce & Quigg, LLP / AUC
1000 Louisiana, 53rd Floor
Houston, TX 77002

PATENT NO. 7,206,795

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/21/06

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744549__ Patent No 7018880

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. 183

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: _____

Steven Loke — **SPE**

2818 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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INCUBE, INC.,
C/O LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

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JUN 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Mir A. IMRAN	:	
Application No. 10/744,558	:	DECISION ON PETITION
Filed: December 22, 2003	:	TO WITHDRAW
Attorney Docket No. INCBNE00200	:	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, 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 Johney U. Han on.behalf of the attorneys of record associated with Customer No. 40518.

The attorneys of record associated with Customer No. 40518 have been withdrawn.

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

All future communications from the Office will be directed to the inventor at the address below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MIR A. IMRAN
1390 WILLOW ROAD,
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
10/744,558	12/22/2003	Mir A. Imran	INCBNE00200

CONFIRMATION NO. 1893

POWER OF ATTORNEY NOTICE

84179
InCube, Inc., c/o Levine Bagade Han LLP
2400 Geng Road
Suite 120
Palo Alto, CA 94303

OC000000036661839

Date Mailed: 06/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/08/2009.

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

/dcgoodwyn/

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

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3M INNOVATIVE PROPERTIES
COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of

Lamb, et al.

Application No. 10/744,569

Filed: December 23, 2003

Attorney Docket No. 58908US002

DECISION ON PETITION

This is a decision on the "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 and, in the Alternative, Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)" filed September 27, 2007.

The petition to withdraw the holding of abandonment is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

This application was held abandoned on August 12, 2007, after no reply was received to the Notice pf Allowance and Issue Fee Due mailed May 11, 2007. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on August 12, 2007. A Notice of Abandonment was mailed September 7, 2007. The instant petition was filed on September 27, 2007. Petitioner maintains that the notice of May 11, 2007, was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The issue fee, publication fee, and Form PTOL-85B were received on September 27, 2007.

The petition under 37 CFR 1.137(a) is dismissed as moot because the application is being returned to an pending status pursuant to the granting of the petition to withdraw the holding of abandonment.

The application file is being forwarded to the Office of Patent Publications for further processing.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

04/02/04

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/744580 received on 02/26/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 10 2005

AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND CO 80537-0599

In re Application of	:
Laurakay et al.	:
Serial No.: 10/744,595	: PETITION TO MAKE SPECIAL
Filed: December 22, 2003	:
Attorney Docket No.: 10020735-2	:

This is in response to applicants' petition filed April 22, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on inventions relating to Cancer. The $130.00 petition fee as required by 37 CFR 1.17(h) was received.

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

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

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
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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ARIAD PHARMACEUTICALS, INC.
ARIAD GENE THERPEUTICS, INC.
26 LANDSDOWNE ST.
CAMBRIDGE, MA 02139

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MAR 0 7 2006

OFFICE OF PETITIONS

In re Application of :
Keenan et al. :
Application No. 10/744,601 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 416A US :

This is a decision on the petition under 37 CFR 1.181, filed December 15, 2005, to withdraw the holding of abandonment.

The petition is **granted.**

A non-final Office action was mailed on May 23, 2005.

A reply and payment for a three month extension of time were filed Friday, November 25, 2005, as proven by:

(1) The actual papers received on November 25, 2005, which were stamped by the PTO with the date November 25, 2005.
(2) A stamped postcard receipt with the date November 25, 2005.

The reply and payment for extension of time were due on or before November 23, 2005. Therefore, the reply was late unless petitioner can gain the benefit of an earlier date based on 37 CFR 1.8(a).

MPEP 512 states,

> (B) When possible, the certification should appear on a portion of the paper being submitted. However, if there is insufficient space to make the certification on the same paper, the certification should be on a separate sheet securely attached to the paper.
>
> (C) When the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper it accompanies. The required identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g., reply to rejection or refusal, Notice of Appeal, etc....
>
> (E) In situations wherein the correspondence includes several papers directed to the same area of the Office for the same application (for example, a proposed reply under 37 CFR 1.116 and a Notice of Appeal), each paper should have its own certification as a part thereof or attached thereto.

The Office notes that each paper filed November 25, 2005, fails to include a certificate of mailing statement. The only certificate of mailing is included at the end of the "Remarks" section. The certificate of mailing date is November 23, 2005.

Upon consideration of *all* the facts and circumstances, the Office will consider all the papers filed on November 23, 2005, to be considered timely filed. However, in the future, each paper should contain a certificate of mailing should be filed. In the alternative, petitioner could provide the certification on a separate sheet which itemizes all the papers being filed.

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

Technology Center Art Unit 1624 will be informed of the instant decision and the examiner will consider the papers filed on November 25, 2005, in due course.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON MA 02110

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SEP 13 2005

OFFICE OF PETITIONS

Applicant: Liu et al.
Application No. 10/744,605
Filed: December 23, 2005
For: EVOLVING NEW MOLECULAR FUNCTION
Attorney Docket No: LSI-002C1
Pub. No.: US 2005/0025766 A1
Pub. Date: February 3, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on March 29, 2005, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material errors as the publication includes the claims of another application and the publication does not include the preliminary amendments made to the specification. The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in printing the wrong claims will be corrected as requested. The instant request also includes alleged errors that are not the fault of the Office, which will not be corrected in the corrected publication by the Office.

The patent application publication does not include mistakes in the publication by the Office by failing to include preliminary amendments to the specification because patent application

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

publications are not required to include preliminary amendments, according to 37 CFR 1.215(a)[2], which says the following, in part:

> (a) ... The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b), amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

§ 1.215(c) says the following:

> (c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office has recently changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until this past year, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004). The preliminary amendments filed December 23, 2003 and September 30, 2004 do not comply with 37 CFR 1.121(b)(3) and 1.125. The only format for an amendment to the specification usable for publication is a substitute specification in compliance with 37 CFR 1.121(b)(3) and 1.125. The applicant did not supply a copy of the application in compliance with 37 CFR 1.215(c). The Office correctly published the application in accordance with 37 CFR 1.215(a).

Since 1997, the Office has been encouraging applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and division applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. A copy of the declaration from the prior application can still be filed in a continuation or divisional application even if the specification filed in the continuation or divisional application is different from the prior application so long as the continuation or divisional application contains no new matter. See Changes to Patent Practice and Procedure, 62

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[2]Changes to Suport Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004), 1287 Off. Gaz. Pat. Office Notices 67 (October 12, 2004).

Fed. Reg. 53132, 53148 (October 10, 1997) (final rule); 1203 Off. Gaz. Pat. Office 63, 77 (October 21, 1997); 37 CFR 1.63(d)(1).

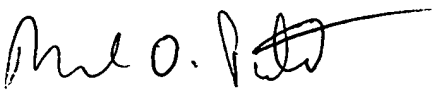
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Brown & Michaels, PC
500 M&T Bank Building
118 North Tioga Street
Ithaca, NY 14850-4343

MAIL

NOV 2 6 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Stephen BIHUN
Application No. 10/744614
Filed: December 23, 2003
For: TRIGONOMETRY CALCULATOR

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c) and M.P.E.P. § 708.02, Section IV: Applicant's Age, filed December 23, 2003 to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102(c) and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement that the applicant, Stephen Bihun, is over sixty five (65) years of age.

Accordingly, the petition is GRANTED. The application is being forwarded to the examiner for expedite prosecution.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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STITES & HARBISON PLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

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SEP 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Patti et al. :
Application No. 10/744,616 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. P06283US03/BAS :

This decision concerns the June 7, 2004 "Petition under 37 CFR 1.17(h)" which in essence requests that a certain drawing of figure be considered part of the application filed on December 24, 2003.

The petition is **DISMISSED.**

The application was filed on December 24, 2003. On April 7, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" ("4/7/04 Notice"), stating, *inter alia*, that a Figure 1 described in the specification appeared to have been omitted from the application. It is noted that the specification filed on December 24, 2003 describes a Figure 1, but 33 sheets of drawings, not including one for Figure 1, are in the USPTO file for this application.

Petitioner asserts that the drawing of Figure 1 was filed on December 24, 2003 with the remaining application papers. In support, the application is accompanied by a copy of a postcard receipt, indicating receipt in the USPTO for this application on December 24, 2003 of, *inter alia*, "drawings."

The last portion of MPEP 513 states,

> Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application) ... The Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g. a postcard receipt . . . .

MPEP 503 states (emphasis added),

> The identifying data on the postcard should include:
> (A) applicant's name(s);

(B) title of invention;
(C) **number of pages of specification, claims (for nonprovisional applications), and sheets of drawing**;
(D) whether oath or declaration is included;
(E) a list of any additional forms included with the application (e.g., application transmittal form, application data sheet, fee transmittal form, and /or provisional application cover sheet); and
(F) amount and manner of paying the fee.

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)**. . . .

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

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. **The postcard should also identify the type of paper being filed**, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., **and the number of pages being submitted.** If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., **the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).**

The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

Evidently, it follows that this postcard receipt cannot be relied upon for supporting the assertion that 34 sheets of drawings, including that for Figure 1, were filed on that day for this application.

Moreover, while petitioner apparently believes that the drawing of Figure 1 was filed on December 24, 2003, the file of Application No. 10/744,616[1] shows that this drawing was not received, since no such a drawing is present in the file. An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and filing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed are generally not more persuasive of what was actually filed in the USPTO than the contents of the application file. Such declarations are usually made weeks or months after the actual events recited. In this case, the declaration filed June 7, 2004 was made more than 5 months after the application was filed. Thus, the declaration does not have more probative value than the official government record of what was actually received in the USPTO on December 24, 2003.

Although the December 24, 2003 application transmittal lists 34 sheets of drawings, this transmittal, without more, merely shows an intent to mail 34 sheets of drawings on that day and is by no means a substitute for a proper return postcard permitted under MPEP section 503 (Rev. 2, May 2004).

In view of the above, the petition is dismissed. The drawing for Figure 1, submitted with the instant petition, is not entered.

As authorized, the $130 petition fee has been charged to a credit card.

The Office notes, however, that the December 24, 2003 application transmittal contains a clause that incorporates the entire disclosure of the parent application, No. 09/200,650, into the instant divisional application by reference.

Under MPEP section 201.06(c) (Rev. 2, May 2004), ". . . an applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, a statement that such specifically enumerated prior application or applications are 'hereby incorporated herein by reference.' The statement may appear in the specification or in the application transmittal letter . . . The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuation or divisional application to include any subject matter in such prior application(s), **without the need for a petition** provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference." (emphasis added)

Therefore, if desired, the omitted Figure 1 may be added to the application by way of amendment requesting entry of this drawing. Any such amendment should be filed prior to the first action on the merits and will be considered by the examiner.

---

[1] The file contains the actual papers received and the file is an official government record prepared and maintained by disinterested USPTO employees as a part of their customary and usual duties.

The application is being returned to OIPE for further processing, including awaiting the remaining items requested in the 4/7/04 Notice, and for indicating in the USPTO record that 33 sheets of drawings (not including that for Figure 1), were present on filing.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763 (before September 15, 2004), or to the undersigned at (703) 306-5683 (before September 27, 2004) or (571) 272-3203 (after September 27, 2004).

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

Mail Date: 04/29/2010

Applicant	: Michael Joseph Krok	: DECISION ON REQUEST FOR
Patent Number	: 7596953	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/744,617	: OF WYETH
Filed	: 12/23/2003	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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PIONEER HI-BRED INTERNATIONAL INC.
7100 N.W. 62ND AVENUE
P.O. BOX 1000
JOHNSTON, IA 50131

COPY MAILED

JUL 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Lowe, et al. : DECISION REFUSING STATUS
Application No. 10/744,620 : UNDER 37 CFR 1.47(a)
Filed: December 22, 2003 :
Atty. Dkt. No.: 0943D :
For: TRANSCRIPTIONAL ACTIVATOR :
NUCLEIC ACIDS, POLYPEPTIDES AND :
METHODS OF USE THEREOF :

This decision is in response to the petition under 37 CFR 1.47(a), filed June 18, 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).

The above-identified application was filed December 22, 2003 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed March 17, 2004 requiring 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 fails to satisfy requirements (1) and 2) set forth above.

As to item (1), petitioner has failed to sufficiently establish that despite diligent effort, Carolyn Gregory and Ramgopal Nadimpalli either cannot be reached or located, or, have refused to sign the declaration after having been presented with the application papers.

As to inventor Gregory, petitioner indicates the application papers were mailed to the last known address of the non-signing inventor and that the package containing the application papers was returned because the "recipient moved." Petitioner further states that email sent to inventor Gregory was returned as undeliverable. Petitioner now believes that inventor Gregory resides in Charlotte, North Carolina.

As to inventor Nadimpalli, petitioner indicates the application papers were mailed to the last known address of the non-signing inventor and that no response or forwarding address was received. Petitioner further states that email sent to inventor Nadimpalli was returned as undeliverable. Petitioner indicates he attempted to locate the inventor through the Human Resources Department of the inventor's last known place of business, but that no response was received.

Where inability to reach or locate a non-signing inventor is alleged, petitioner is required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration).

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventors cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, telephone directories, and international registries should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and

supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

The petition also fails to satisfy requirement (2). The declaration submitted herewith is unacceptable as it fails to set forth the citizenship and, unless submitted in an application datasheet, the residence and mailing address of inventor Nadimpalli as required by 37 CFR 1.63. Any renewed petition must be accompanied by a declaration executed by each available inventor and properly identifying the non-signing inventor in accordance with 37 CFR 1.63 and 1.64.

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) 308-6916

By hand/courier service: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310. Please note that on or about September 28, 2004, the telephone number for the Office of Petitions will change to (571) 272-3282.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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7100 N.W. 62ND AVENUE
P.O. BOX 1000
JOHNSTON, IA 50131

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NOV 0 4 2004

OFFICE OF PETITIONS

In re Application of	
Lowe, et al.	
Application No. 10/744,620	DECISION NOTING JOINDER
Filed: December 22, 2003	OF INVENTOR AND PETITION
Atty. Dkt. No.: 0943D	UNDER 37 CFR 1.47(a) MOOT
For: TRANSCRIPTIONAL ACTIVATOR NUCLEIC ACIDS, POLYPEPTIDES AND METHODS OF USE THEREOF	

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed September 27, 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).

No additional petition fee is necessary in connection with this matter. Petitioner may request a refund of the $130.00 petition fee submitted September 27, 2004 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

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 (571) 272-3205.

Alesia M. Brown
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
10/744,625	12/22/2003	2855	421	061450/0306922 (FID-003-D	20	24	1

CONFIRMATION NO. 9866

27498
PILLSBURY WINTHROP LLP
2475 HANOVER STREET
PALO ALTO, CA 94304-1114

UPDATED FILING RECEIPT

OC000000012511718

Date Mailed: 05/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Srinivasan K. Ganapathi, Fremont, CA;
Shiva Prakash, Santa Barbara, CA;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/502,406 02/10/2000 PAT 6,694,822
which claims benefit of 60/144,843 07/20/1999

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

Projected Publication Date: 08/12/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Use of multi-layer thin films as stress sensors

Preliminary Class

073

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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VP

JUN 29 2004

PAPER NO. ___

In re Application of	:	
Johnson, et al.	:	
Serial Number: 10/744,630	:	PETITION UNDER
Filed: December 23, 2003	:	M.P.E.P.708.02 IV
For: COMPOSITE LAMINATE STRUCTURE	:	

This is in response to the petition filed December 23, 2003, requesting that the above-identified application be granted Special Status under Section 708.02 IV of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IV of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

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

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Alfred M. Walker
225 Old Country Road
Melville, NY 11747-2712

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DEC 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Kenneth Koch, et al. :
Application No. 10/744,640 : DECISION GRANTING PETITION
Filed: December 22, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GUT PER CIP US :

This is a decision on the petition, filed December 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 Request for Continued Examination (RCE) and submission under 37 CFR 1.114. See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 7, 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) 272-3223.

Upon receipt of the file in the Office of Petitions and association of the instant petition, RCE, IDS and decision on petition with the file, the file will be forwarded to Technology Center AU 2676 for processing of the RCE under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Marianne E. Jenkins
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 : December 5, 2005

To : Director, Office of Patent Publication

From : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue

Applicant(s) : Kenneth Koch, et al.
Application No. : 10/744,640
Filed : December 22, 2003

The above-identified application has been assigned Patent No. 6,976,845 and an issue date of December 20, 2005.

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

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the application is published in the OG of December 20, 2005:

> "All reference to Patent No. 6,976,845 to Kenneth Koch of Irvine, California for INTEGRAL GUTTA PERCHA TECHNIQUE appearing in the Official Gazette of December 20, 2005 should be deleted since no patent was granted."

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

cc: Paul Harrison, Crystal Park 3-441 (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Janet Higgins, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

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

MAILED

FEB 19 2009

OFFICE OF PETITIONS

In re Application of :
Morito Morishima :
Application No.10/744,644 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. 2552-000060 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, 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 RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2627 for appropriate action by the Examiner in the normal course of business on the reply received January 12, 2009.

Karen Creasy
Petitions Examiner
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
10/744,663	12/22/2003	2817	583	2869P	15	42	2

CONFIRMATION NO. 1798

SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

CORRECTED FILING RECEIPT

OC000000017507285

Date Mailed: 11/23/2005

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 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)

John J. Hench, Los Gatos, CA;
Joseph Comparetto, Santa Cruz, CA;

Power of Attorney:

Joseph Sawyer Jr--30801
Michael Woods--33466
Stephen Sullivan--38329
Lee Van Pelt--38352
Janyce Mitchell--40095
Michele Liu--44875
Joyce Tom--48681

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/744,663

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

MIXED-MODE (CURRENT-VOLTAGE) AUDIO AMPLIFIER

Preliminary Class

330

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.

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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 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
10/744,670	12/22/2003	2155	824	ORCL-2003-151-01	6	23	3

CONFIRMATION NO. 1781

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

CORRECTED FILING RECEIPT

OC000000012615619

Date Mailed: 05/12/2004

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)

Anuj Jain, Raleigh, NC;

Assignment For Published Patent Application

ORACLE INTERNATIONAL CORPORATION, REDWOOD SHORES, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

Projected Publication Date: 06/23/2005

Non-Publication Request: No

Early Publication Request: No

Title

System and method for verifying intended contents of an electronic message

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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FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2211

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OCT 25 2005

OFFICE OF PETITIONS

Applicant: Halimaoui et a.
Appl. No.: 10/744,680
Filing Date: December 23, 2003
Title: METHOD FOR FORMING A LOCALIZED REGION OF A MATERIAL DIFFICULT TO ETCH
Attorney Docket No.: S1022.81130US00
Pub. No.: US 2005/0026457 A1
Pub. Date: February 3, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on March 2, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error, as claim 1, line 4, the phrase "forming a first silicon oxide layer having a thickness smaller than 1 nm on a silicon substrate" is misprinted as "forming a first silicon oxide layer Shaving a thickness smaller than 1 nm on a silicon substrate."

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

The error noted by requestor wherein the phrase "forming a first silicon oxide layer having a thickness smaller than 1 nm on a silicon substrate" is misprinted as "forming a first silicon oxide layer Shaving a thickness smaller than 1 nm on a silicon substrate" in claim 1 is an Office error but the mistake is a minor typographical error, which is clearly understandable to one of ordinary skill in reading the specification and the claims. The mistake is a minor typographical error, which is clearly understandable from reading the claim in which the phrase is used, as terms are

[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).

not read in a vacuum and furthermore, the same terminology appears in the abstract and the specification. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system 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 Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of
Michelassi, Tidwell, Templeton and Shankar
Application No. 10/744,706
Filed: December 23, 2003
Attorney Docket No. 1DATA.097A
For: SYSTEMS AND METHODS FOR ACCESSING RECONCILEMENT INFORMATION

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 6, 2004.

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 so that it may continue to process the application.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Sharat Shankar
9651 Timber Hawk Circle
Highlands Ranch, CO 80126

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FEB 15 2005

OFFICE OF PETITIONS

Letter

In re Application of
Michelassi, Tidwell, Templeton and Shankar
Application No. 10/744,706
Filed: December 23, 2003
Attorney Docket No. 1DATA.097A
For: SYSTEMS AND METHODS FOR ACCESSING RECONCILEMENT INFORMATION

Dear Mr. Shankar:

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.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Patent No. 7,640,205
Issued: December 29, 2009
Application No. 10/744,706
Filed: December 23, 2003
Attorney Docket No. 34250-0837

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on January 11, 2010, requesting that the patent term adjustment be corrected from 726 to 1297 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 two hundred ninety-nine days is **GRANTED to the extent indicated herein**.

It is undisputed that the period of examination delay, "A" delay", pursuant to 37 CFR 1.702(a)(1) is 849 days. The "B" delay period, the over three year period begins on December 23, 2006 and ends on January 15, 2009, considering the 181 days of overlap and is therefore 754 days. As such, the patent term adjustment is 1299 days (849 plus 754 minus 181 days minus 123 days for applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred ninety-nine (1299)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,640,205 B2

DATED : December 29, 2009

INVENTOR(S) : Leslie Michelassi

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 (726) days

Delete the phrase "by 726 days" and insert – by 1299 days--

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Leslie Michelassi	: DECISION ON REQUEST FOR
Patent Number	: 7640205	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,706	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1872** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MR. S.H DWORETSKY
AT&T CORP.
PO BOX 4110
MIDDLETOWN NJ 07748

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OFFICE OF PETITIONS

In re Application of	:	
Ash et al.	:	
Application Number: 10/744722	:	DECISION ON PETITION
Filing Date: 12/23/2003	:	
Attorney Docket Number: 113278	:	
CON	:	

This is a decision on the petition filed on July 31, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on March 8, 2008, for failure to file a timely submit a proper reply to the non-final Office action mailed on December 7, 2007, which set a three (3) month shortened statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were requested. Notice of Abandonment was mailed on August 11, 2008.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

Receipt of the request for reconsideration filed on July 31, 2008, is acknowledged.

This application is being referred to Technology Center Art Unit 2619 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
Ash et al. :
Application Number: 10/744722 : ON PETITION
Filing Date: 12/23/2003 :
Attorney Docket Number: 113278 :
CON :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on April 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 31, 2009, for failure to timely submit the issue fee in response the Notice of Allowance and Fee(s) Due mailed on December 30, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on April 24, 2009.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

Petitioner has submitted the issue fee along with the petition.

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. A change of correspondence address should be filed if the correspondence address needs to be updated.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

WENDY W. KOBA
PO BOX 556
SPRINGTOWN PA 18081

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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

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OFFICE OF PETITIONS

In re Application of :
Diab Abuaiadh et al. :
Application No. 10/744,724 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. IL920030050 US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 16, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on 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 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 2167 for appropriate action by the Examiner in the normal course of business.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ERIC W PETRASKE
68 OLD HAWLEYVILLE RD
BETHEL CT 06801

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APR 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Cramer, et al. :
Application No. 10/744,725 : DECISION ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. CH919980016US3 :

This is a decision on the paper titled "PETITION TO RECEIVE FILING DATE", filed September 30, 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 December 23, 2003, with Figure 3 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on December 23, 2003. However, on July 28, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a NonProvisional Application." Applicants were notified that the application papers had been accorded a filing date of December 23, 2003; however, Figure 3 of the drawings appeared to have been omitted. In addition, applicants were instructed to submit a new oath or declaration because the declaration submitted on filing did not identify the residence, mailing address, and citizenship of each inventor.

In response, applicants filed the instant petition. Accompanying the petition was an oath or declaration identifying the residence, mailing address, and citizenship of inventor Cramer[1], and 3 pages of drawings, including Figure 3. Applicants maintain that the application as originally filed included Figure 3. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "3 Sheets of Drawing" as enclosed, bearing a United States Patent and Trademark Office date-stamp of December 23, 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. 50-0510.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 23, 2003, using the application papers received in the Office on that date, Figure 3 of the drawings as resupplied on petition filed September 30, 2004, and the declaration filed September 30, 2004, and for indication in Office records that 3 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

[1] A review of the application file reveals that the declaration submitted on filing did not identify the residence, mailing address, and citizenship of inventor Cramer. On page 1 of the declaration, there was no space for this information under Cramer's signature.

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MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York NY 10154-0053

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OFFICE OF PETITIONS

In re Application of :
Witold Cieplak :
Application No. 10/744,731 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No.: 2026-4253US8 :

This is a decision on the petition filed June 8, 2004 in response to the Notice of Omitted Items which is treated under 37 CFR 1.182.

A "Notice of Omitted Items in a Nonprovisional Application" was mailed April 9, 2004, indicating that the application had been accorded a filing date of December 23, 2003 but that Figures 5a-d described in the specification appeared to have been omitted.

Petitioner asserts that the paper containing Figures 5a-d was among the papers filed on December 23, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. A review of the official file reveals that only three (3) sheets of drawings are accounted for. However, the postcard receipt, identifies the application and acknowledges, inter alia, the number of drawing sheets to be five (5) and bears a United States Patent and Trademark Office date-stamp of December 23, 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 December 23, 2003 and the five sheets of drawings containing Figures 1, 2A-2C, 3A-C, 4A-D, 5A-D and 6A-B, submitted on petition June 8, 2004.

Telephone inquiries regarding this decision should 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
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJR.: 04-07

Paper No: __

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APR 23 2007

OFFICE OF PETITIONS

In re Application of :
Diebold, et al. :
Application No.: 10/744,738 :
Filing Date: 22 December, 2003 :
Attorney Docket No. 2002P01578USU :

DECISION

This is a decision on the petition filed on 9 August, 2006, as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

The Office regrets the delay in addressing the instant matter, however, it was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181 is **GRANTED**

BACKGROUND

The record reflects that:

- the Examiner mailed a non-final Office action on 10 February, 2006, with reply due absent extension of time on or before 10 May, 2006, and it appeared that Petitioner failed to reply timely and properly;

- the record reflects that the 10 February, 2006, non-final Office action was returned by the

U.S. Postal Service (USPS) to the Office as undelivered on 13 February, 2006;[1]

- on 9 August, 2006, Petitioner filed the instant petition, along with a reply to the Office action (a copy of which document Petitioner apparently obtained online after learning that the paper had been mailed);

- it does not appear that the Office mailed a Notice of Abandonment before the instant petition was filed.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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[1] Petitioner suggests that this resulted from the failure of the Office to place the mailing address in the "window" of the envelope, which condition Petitioner suggests is evidenced by the blank window of the envelope in the file. This condition more likely resulted when the envelope was opened by the Office to remove that contents such that the materials could be scanned and that product be placed in the correct application file. However, the end result was the same–the document did not reach Petitioner because it was returned to the Office by the USPS.

[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 by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i)

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[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.

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]

Delays in responding properly raise the question whether delays are unavoidable.[5] 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).[6] And the Petitioner must be diligent in attending to the matter.[7] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

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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] 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 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.

[5] 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).

[6] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[7] 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.

(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.[8]))

Allegations as to the Request to Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[9]

Petitioner appears to have satisfied the showing requirements described above.

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[8] 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.

[9] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Further, the commentary at MPEP §711.03(c) provides:

> * * *
>
> **A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action**
>
> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. * **
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988). (Emphasis supplied.)
>
> * * *

CONCLUSION

It appears that Petitioner has satisfied the burdens set forth in Delgar v. Schulyer, and so the petition as considered under 37 C.F.R. §1.181 hereby is **granted**–there is no Notice to vacate.

This application is released to Technology Center 3600 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) 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

[10] 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/744,742	12/23/2003	2876	900	ASI-PT001.2.3	11	13	3

CONFIRMATION NO. 1361
CORRECTED FILING RECEIPT
OC000000016929308
OC000000016929308

3624
VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Date Mailed: 09/01/2005

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 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)

Jeffrey G. Sharpe, Hatfield, PA;
David A. Wurz, Chalfont, PA;

Power of Attorney:

Gerard Weiser--19763
Gary Cohen--28834
Steven Gelman--41034

Domestic Priority data as claimed by applicant

This application is a CON of 09/798,117 03/02/2001 PAT 6,669,091
which is a CON of 08/482,893 06/07/1995 PAT 6,206,289
which is a CON of 07/902,574 06/22/1992 PAT 5,466,921
which is a CON of 07/586,545 09/21/1990 PAT 5,124,538
which is a CON of 07/237,517 08/26/1988 PAT 5,028,772

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/744,742

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR ASSEMBLING FRAGMENTS OF SCANNED DATA

Preliminary Class

235

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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OFFICE OF PETITIONS

In re Application of
PAN, et al.
Application No. 10/744,743
Filed: December 23, 2003
Attorney Docket No. ABTT-0387/B020621

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, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ABB INC.**
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE OH 44092

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OFFICE OF PETITIONS

In re Application of :
Badreddine Ahtchi-Ali et al :
Application No. 10/744,745 :
Filed: December 23, 2003 :
Attorney Docket No. J6867(C) :

ON PETITION

This is a decision on the petition, filed May 19, 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 10, 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 1621 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

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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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TIMOTHY J. OYER
WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
Levi A. Kishbaugh et al :
Application No. 10/744,757 : DECISION ON PETITION
Filed: December 23, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. T0428.70127US01 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 23, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/733,760, filed December 8, 2000, as 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) and (iii) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application on page one 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 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 an 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

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

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.78(a)(3).

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

Frances Hicks
Petitions Examiner
Office of Petitions

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WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of
Levi A. Kishbaugh et al
Application No. 10/744,757
Filed: December 23, 2003
Attorney Docket No. T0428.70127US01

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 October 31, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/733,760, filed December 8, 2000, as 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) and (iii) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for benefit of 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 the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1794 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.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/744,757	12/23/2003	1794	1028	T0428.70127US01	26	2

CONFIRMATION NO. 1368

Timothy J. Oyer, Ph.D.
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

CORRECTED FILING RECEIPT

Date Mailed: 12/11/2007

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)

Levi A. Kishbaugh, Groveland, MA;
Kevin J. Levesque, Andover, MA;
Albert H. Guillemette, Dracut, MA;
Liqin Chen, West Roxbury, MA;
Jingyi Xu, York, PA;
Kelvin T. Okamoto, Carlsbad, CA;

Assignment For Published Patent Application

Trexel, Inc., Woburn, MA

Power of Attorney: The patent practitioners associated with Customer Number 23628

Domestic Priority data as claimed by applicant

This application is a CON of 10/381,652 ABN
which is a 371 of PCT/US01/30649 10/01/2001
which is a CIP of 09/733,760 12/08/2000 ABN
and claims benefit of 60/236,977 09/29/2000

Foreign Applications

If Required, Foreign Filing License Granted: 04/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/744,757**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

FIBER-FILLED MOLDED ARTICLES

Preliminary Class

428

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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Paper No.

AMIN & TUROCY, LLP
1900 EAST 9TH STREET
NATIONAL CITY CENTER
24TH FLOOR
CLEVELAND, OH 44114

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APR 21 2004

OFFICE OF PETITIONS

In re Application of :
Peter D. Acsanio and Thomas S. Tarter :
Application No. 10/744,790 :
Filed: December 23, 2003 :
Title of Invention: :
ISOTHERMAL THIN FILM HEATER :

DECISION GRANTING
STATUS UNDER
37 CFR 1.47

This is in response to a Petition under 37 CFR 1.47(a), filed December 23, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Peter D. Ascanio, refuses to join in the application.

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

The application file is being returned to Technology Center Art Unit 2874 for examination in due course.

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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PETER D. ASCANIO
45315 PARKMEADOW DRIVE
FREMONT, CA 94539

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APR 21 2004

OFFICE OF PETITIONS

In re Application of :
Peter D. Acsanio and Thomas S. Tarter :
Application No. 10/744,790 : LETTER
Filed: December 23, 2003 :
Title of Invention: :
ISOTHERMAL THIN FILM HEATER :

Dear Mr. ASCANIO:

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: AMIN & TUROCY, LLP
1900 EAST 9TH STREET
NATIONAL CITY CENTER
24TH FLOOR
CLEVELAND, OH 44114

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JUL 23 2004

In re Application of	:	
Richard H. Kim et al.	:	
Serial No. 10/774,792	:	DECISION ON PETITION
Filed: February 9, 2004	:	TO MAKE SPECIAL
For: MULTI-DIMENSIONED EASILY	:	
ADJUSTABLE SINGLE SHEET	:	
CONTAINER FORMULA WITH	:	
INDICIA	:	

Applicant's petition, filed February 9, 2004, 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

Law Office of Craig Barber
P.O. Box 16220
Golden, CO 80402-6004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Jung-Joo Nahm	: DECISION ON REQUEST FOR
Patent Number	: 7609965	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,794	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: 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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Unisys Corporation
Attn: Lise A. Rode
Unisys Way
MS/E8-114
Blue Bell, PA 19424-0001

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JUN 22 2005

OFFICE OF PETITIONS

In re Application of
English, et al.
Application No. 10/744,803
Filed: December 23, 2003
Attorney Docket No.: BB015

DECISION GRANTING
PETITION UNDER 37 CFR
1.137(f)

This decision is in response to the petition under 37 CFR 1.137(f), filed May 18, 2005.

The petition is hereby **GRANTED**.

Petitioners state that the instant nonprovisional application is the subject of an application filed December 21, 2004 in a foreign country, or under a multinational treaty, that requires publication of applications eighteen months after filing (PCT/US04/43121). Petitioners' further state that petitioners unintentionally failed to notify the Office of this filing within 45 days of the filing of the subject application in a foreign country.

Hence, the application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A grantable petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply; (2) the petition fee; (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; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition has been reviewed and found to be in compliance with the provisions of 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or

international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request setting forth the projected publication date of the instant application is enclosed herewith.

This application is being forwarded to Technology Center 2100 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Communication Regarding Nonpublication Request

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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JUN 12 2006

OFFICE OF PETITIONS

In re Application of :
Tsuji, et al. :
Application No. 10/744,813 : ON PETITION
Filed: December 24, 2003 :
Attorney Docket No. 117772 :
For: HARDNESS TESTING APPARATUS

This is a decision on the petition under 37 CFR 1.181, filed March 8, 2006, to withdraw the holding of abandonment.

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

The Office contended that the above-identified application became abandoned for failure to submit the issue fee, the publication fee, and a completed PTOL-85b in response to the August 31, 2005 Notice of Allowance and Fee(s) Due, which set a three month period reply. No reply being received, the Office contended that this application became abandoned on December 1, 2005. A Notice of Abandonment was mailed on May 12, 2006.

Petitioners allege that the August 31, 2005 Notice not received.

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]

Petitioners have submitted a copy of the docket record where the requirements would have been entered had the August 31, 2005 Notice been received. In addition, practitioner referenced the

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

record in the petition and stated that a review of the application's file jacket and docket records for the August 31, 2005 Notice was fruitless.

Petitioners have established non-receipt. The petition is **granted**, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to Technology Center AU 2856 for the re-mailing of the August 31, 2005 Notice of Allowance and Fee(s) Due (and the Notice of Allowability) with a new period set for reply.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/25/06

TO SPE OF : ART UNIT 2193

SUBJECT : Request for Certificate of Correction on Patent No.: 7051061

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:

WEI ZHEN
SUPERVISORY PATENT EXAMINER

SPE

2191
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HEWLETT PACKARD COMPANY
P.O. BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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APR 13 2005

OFFICE OF PETITIONS

In re Application of
Reboa, Paul F.
Application No. 10/744,832
Filed: December 23, 2003
Attorney Docket No. 200209914-1

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 2, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

The instant pending application was filed on December 23, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional applications was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed

claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Paralegal Liana Chase at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 2873 for appropriate action on the amendment filed February 2, 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Frances Hicks
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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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

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OCT 0 2 2006

OFFICE OF PETITIONS

Applicant: Burgoyne et al.
Appl. No.: 10/744,857
Filing Date: December 22, 2003
U.S. Patent No.: 6,982,329
Issue Date: January 3, 2006
Title: PROCESS IMPROVEMENTS IN STEROID CHEMISTRY
Attorney Docket No.: 480117.409D1
Pub. No.: US 2004/0138486 A1
Pub. Date: July 15, 2004

This is in response to the "Request for Corrected or Revised Patent Application Publication under 37 CFR 1.221(b)," which was received on September 2, 2004, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." 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]

Since the application has already issued as U.S. Patent No. 6,982,329 on January 3, 2006, the request is deemed moot.

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

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

[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).

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FROM DIRECTORS OFFICE

OCT 19 2004

TECHNOLOGY CENTER 3600

David P. Gordon
Gordon & Jacobson, P.C.
65 Woods End Road
Stamford, CT 06905

In re application of
Victor M. Kasatshko et al.
Application No. 10/744,874
Filed: December 23, 2003
For: MULTIPLE POSITION AIR MATTRESS SYSTEM

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ACCELERATED**
: **EXAMINATION)**

This is in response to the petition filed on June 18, 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(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/rwg: 10/14/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/24/2010

Applicant	: John Patrick Kaufhold	: DECISION ON REQUEST FOR
Patent Number	: 7653229	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/744,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1771** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Mail Date: 04/21/2010

Applicant	: Peter G. Schultz	: DECISION ON REQUEST FOR
Patent Number	: 7642085	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/744,899	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **897** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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708 THIRD AVENUE
NEW YORK, NY 10017

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Aida Iris Lorenzo :
Application No. 10/744,902 :
Filed: December 22, 2003 :
Attorney Docket No. 510-003 :

This is a decision on the petition filed April 25, 2006, under 37 CFR 1.137(a)[1], to revive the above-identified application.

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

This application became abandoned for failure to file a proper and timely response to the Ex Parte Quayle office action mailed September 21, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner argues that a Power of Attorney filed September 14, 2004 was not entered and thus the office communication mailed September 14, 2004 was not received and thus was returned to the United States Patent and Trademark Office (USPTO) by the United States Postal Service (USPS) as undeliverable. As proof, a copy of petitioner's docket has been included to show non-receipt.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the

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

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

> ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

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 or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A review of the file reveals that the petitioner is correct, that a power of attorney and change of address was in fact filed prior to the mailing of the Ex Parte Quayle office action but was not entered by the USPTO. Further, the office action mailed September 21, 2005 was returned to the USPTO by the United States Postal Service as undeliverable. It is noted therefore that an error on the part of the USPTO caused the office action mailed to not be received by the petitioner. Thus, petitioner's delay in responding to the Restriction Requirement was unavoidable under the standard set out at 37 CFR 1.137(a).

The power of attorney as well as the address change has been corrected and this matter is being referred to Technology Center 2654 for a re-mailing of the Ex Parte Quayle office action, originally sent on September 21, 2005, and for a re-setting of the period for response.

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

---

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

SPE: J. Hail

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/8/06

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/744,904 Patent No.: 7029365

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**.

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 3723 Art Unit

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Date Mailed : 3-2-07

Patent No.: 7,132,172
Patent Issued : November 7, 2006
Inventor(s): Isabell Buresch, et. al.
Title: COMPOSITE MATERIAL FOR USE IN THE MANUFACTURE OF ELECTRICAL CONTACTS AND A METHOD FOR ITS MANUFACTURE
Docket No.: W-W 61

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 1.322or 1.323.

The alleged error in col. 8, lines 32 and 51 is printed in accordance with the record.

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Terryence F. Chapman
Flynn, Thiel, Boutell & Tanis
2026 Rambling Road
Kalamazoo, MI 49008

ej

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

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OFFICE OF PETITIONS

In re Yonce et al.	:	
Application No. 10/744,911	:	
Filed: December 22, 2003	:	DECISION ON APPLICATION
Attorney Docket No.: 279.629US1	:	FOR
Title: AUTOMATIC SENSING VECTOR	:	PATENT TERM ADJUSTMENT
SELECTION FOR MORPHOLOGY-BASED	:	
CAPTURE VERIFICATION	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed on April 22, 2008. Applicants request that the initial determination of patent term adjustment set forth in the notice of allowance be corrected from three hundred and eighty-four (384) to five hundred and seventy-eight (578) days.

The application for patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN**.

On January 25, 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 384 days. The present application for

patent term adjustment was timely filed[1] on or before payment of the issue fee. Applicants maintain that the patent term should be adjusted an additional 194 days, due to the fact that the request for continued examination (RCE) was filed on March 15, 2007, and a Notice of Allowance and Issue Fee Due was not mailed until more than 4 months later.

Applicants' argument has been considered, and it has been found to be persuasive. Pursuant to 37 C.F.R. § 1.702(a)(2), the Office is required to respond to a reply under 35 U.S.C. 132 not later than four months after the date on which the reply was filed. An RCE was filed on March 15, 2007, and the Notice of Allowance and Issue Fee Due was not mailed until January 25, 2008, which is four months and 194 days after the receipt of the RCE. See 37 C.F.R. 1.703(a)(2).

The other periods of delay are not at issue.

The proper period of adjustment for Office delay at the time of the mailing of the notice of allowance was 609 (194 + 373 + 42) days. The proper period of reduction at the time of mailing of the notice of allowance was 31 days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance was 578 (609 - 31) days.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in mailing the Notice of Allowance more than four months after the filing of the RCE, 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).

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1 PALM records indicate that the issue fee was paid concurrently with the filing of this petition on April 22, 2008.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl. Copy of the Revised Patent Term Adjustment

PTA Calculations for Application: 10/744911			
Application Filing Date:	12/22/2003	PTO Delay (PTO):	415
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	31
Post-Issue Petitions:	0	Total PTA (days):	578
PTO Delay Adjustment:	194		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
51	07/08/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	194		
43	01/25/2008	MAIL NOTICE OF ALLOWANCE			
42	01/24/2007	DOCUMENT VERIFICATION			
41	01/24/2008	ISSUE REVISION COMPLETED			
40	01/24/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	01/07/2008	NOTICE OF ALLOWABILITY			
38	03/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	03/15/2007	REFERENCE CAPTURE ON IDS			
36.7	03/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	03/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	03/15/2007	MISCELLANEOUS INCOMING LETTER			
34	03/25/2007	DATE FORWARDED TO EXAMINER			
33	03/15/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
32	03/25/2007	DATE FORWARDED TO EXAMINER			
31	03/15/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
30	03/25/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
29	03/15/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
28	12/15/2006	MAIL FINAL REJECTION (PTOL - 326)	42		22
27	12/11/2006	FINAL REJECTION			
26	07/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	07/12/2006	REFERENCE CAPTURE ON IDS			

24.7	07/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	22
24	07/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	07/12/2006	DATE FORWARDED TO EXAMINER			
22	07/03/2006	RESPONSE AFTER NON-FINAL ACTION		31	19
21	07/03/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	07/12/2006	CASE DOCKETED TO EXAMINER IN GAU			
19	03/02/2006	MAIL NON-FINAL REJECTION	373		-1
18	02/21/2006	NON-FINAL REJECTION			
17	01/30/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	06/19/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	06/19/2005	CASE DOCKETED TO EXAMINER IN GAU			
14	03/07/2005	CORRESPONDENCE ADDRESS CHANGE			
13	08/01/2004	TRANSFER INQUIRY TO GAU			
12	06/28/2004	APPLICATION RETURN FROM OIPE			
11	06/28/2004	APPLICATION RETURN TO OIPE			
10	06/28/2004	APPLICATION DISPATCHED FROM OIPE			
9	06/28/2004	APPLICATION IS NOW COMPLETE			
8	06/07/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
7	06/07/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	04/05/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	02/24/2004	CLEARED BY OIPE CSR			
3	02/24/2004	CASE CLASSIFIED BY OIPE			
2	01/10/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/22/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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530 VIRGINIA ROAD
P.O. BOX 9133
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OFFICE OF PETITIONS

In re Application of
Gothard, Keel, Snyder, Chiang,
Richeson, Wood, Proctor & Gainey
Application No. 10/744,912
Filed: December 23, 2003
Attorney Docket No. 2479.2042-004
For: ADAPTIVE ANTENNA FOR USE IN WIRELESS COMMUNICATION SYSTEMS

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 14, 2004 (certificate of mailing date June 7, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventors, Christopher A. Snyder, James A. Proctor, Jr. And Kenneth M. Gainey, have constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the petition, signed by Attorney Mark B. Solomon, establishes that the non-signing inventors were mailed the application papers, including the specification, claims and drawings, but each failed to respond to the request that he sign the declaration. Petitioners have submitted a declaration in compliance with 37 CFR 1.63.

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

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.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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FOURTEENTH FLOOR
IRVINE CA 92614

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OFFICE OF PETITIONS

In re Application of :
Michelassi, et al. :
Application No. 10/744,914 : DECISION ACCORDING STATUS
Filed: December 23, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 1DATA.117A :
For: SYSTEMS AND METHODS FOR :
DETERMINING A RECONCILEMENT RESULT

This is in response to the petition under 37 CFR 1.47(a), filed October 12, 2004 (certificate of mailing date October 6, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventor, Sharat Shankar, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Attorney John R. King establishes that the inventor was successfully mailed the application papers, including the specification, claims and drawings, on June 30, 2004, but he orally refused to sign the declaration during a mid-July conversation with Attorney King. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

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

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 forwarded to Technology Center G.A.U. 3621 for examination in due course.

Telephone inquiries should 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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Sharat Shankar
9651 Timber Hawk Circle
Highlands Ranch, CO 80126

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OFFICE OF PETITIONS

In re Application of
Michelassi, et al.
Application No. 10/744,914
Filed: December 23, 2003
Attorney Docket No. 1DATA.117A
For: SYSTEMS AND METHODS FOR DETERMINING A RECONCILEMENT RESULT

LETTER

Dear Mr. Shankar:

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.

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 regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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SALT LAKE CITY, UT 84110

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OFFICE OF PETITIONS

In re Application of :
Derek DeVries, et al. :
Application No. 10/744,930 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No.: 2507-5967US :
:

This is a decision on the petition, filed November 28, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 16, 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 3644 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

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

WELLS ST JOHN ROBERTS
GREGORY & MATKIN
601 WEST FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201-3828

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DEC 0 4 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Schugraf et al :
Application No. 09/333,770 : DECISION ACCORDING
Filed: June 15, 1999 : STATUS UNDER 37 CFR 1.47(a)
For: Methods for Forming Wordlines, :
Transistor Gates, and Conductive :
Interconnects, and Wordline,
Transistor Gate, and Conductive
Interconnect Structures

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 6, 2000 and supplemented on November 28, 2000 with substitute declaration.[1]

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(a), 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.

[1] It is noted that a renewed petition under 37 CFR 1.47 has not been received for Application No. 09/378,433. If in fact a renewed petition was submitted, a copy thereof should be transmitted via facsimile transmission to (703) 308-6916.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center AU 2811 for examination in due course.

Frances Hicks

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

Mail Date: 04/30/2010

Applicant	: Benjamin J. Haasl	: DECISION ON REQUEST FOR
Patent Number	: 7611549	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/744,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1634** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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JAN 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Michelassi, Tidwell, Templeton, and Shankar :
Application No.: 10/744,957 : DECISION ACCORDING
Filed: December 23, 2003 : RULE 47(a) STATUS
Attorney Docket No: 1DATA.115A :
For: SYSTEMS AND METHODS FOR ROUTING REQUESTS FOR RECONCILEMENT INFORMATION

This is in response to the petition under 37 CFR 1.47(a), filed November 9, 2004.

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.

The above-cited application was filed on December 23, 2003, without a properly executed declaration. On April 8, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a properly executed oath or declaration, surcharge for the late filing of the same, and the payment of filing and claim fees. On November 9, 2004, the instant petition was filed along with a request for an extension of time within the fifth month.

Petitioner has shown that inventor Shankar has constructively refused to join 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 addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries 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
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Alexandria, VA 22313-1450
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Sharat Shankar
9651 Timber Hawk Circle
Highlands Ranch, CO 80126

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JAN 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Michelassi, Tidwell, Templeton, and Shankar :
Application No. 10/744,957 : LETTER
Filed: December 23, 2004 :
Attorney Docket No. 1DATA.115A :
For: SYSTEMS AND METHODS FOR ROUTING REQUESTS FOR RECONILIATION INFORMATION

Dear Mr. Shankar:

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(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 joint 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. It should be further noted that any assignee of record of the entire interest in the application may request that the inventor(s) be excluded from access to the application. If the request is granted, you will be informed of that fact and will only be permitted to inspect the application on sufficient showing of why such inspection is necessary to conserve your rights. See *MPEP* 106, citing, *In re The Kellog Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. 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).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

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WELSH & KATZ, LTD
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22ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Joseph G. Fabick, Jr. :
Application No. 10/744,989 :
Filing or 371(c) Date: 12/23/2003 :
Attorney Docket Number: :
8959-91186 : ON PETITION

This is a decision on the "Petition to Withdraw Notice of Abandonment Under 37 CFR § 1.181", filed October 20, 2006. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition 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 [insert the applicable code section]." 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 final Office action, mailed March 1, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on May 15, 2006; however, the reply failed to place the application in condition for allowance. Applicant was o notified in an Advisory Action mailed May 30, 2006. No response having been received, the application became abandoned June 2, 2006. A Notice of Abandonment was mailed October 5, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action, to wit – a Request for Continued Examination (and fee), was filed on May 30, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the RCE, and a copy of his return-receipt postcard acknowledging receipt by this Office of the RCE on June 7, 2006.

A review of the RCE reveals that it contained a Certificate of Mailing under 37 CFR 1.8, certifying that the RCE was mailed to this Office on May 30, 2006. The Certificate of Mailing was executed by Abby Boone.

While Applicant has filed sufficient evidence to demonstrate the filing date of the RCE, the date of the RCE filing has not been adequately established. 37 CFR 1.8(b)(3) requires a statement which attests on a personal knowledge basis to the timely mailing of the Reply; however, a statement from Ms. Abby Boone has not been provided.

Accordingly, it is unclear whether an extension of time and fee are required.

The petition is dismissed without prejudice. Applicant should file a statement from Ms. Boone which attests on a personal knowledge basis to the timely mailing of the RCE. Applicant should file a request for reconsideration of petition which includes the necessary statement. Alternatively, Applicant may file a one (1) month extension of time request and fee.

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

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OFFICE OF PETITIONS

In re Application of :
Joseph G. Fabick, Jr. :
Application No. 10/744,989 :
Filing or 371(c) Date: 12/23/2003 :
Attorney Docket Number: :
8959-91186 : ON PETITION

This is a decision on the "Renewed Petition", filed March 19, 2007. The petition is properly treated under 37 CFR § 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed March 1, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on May 15, 2006; however, the reply failed to place the application in condition for allowance. Applicant was o notified in an Advisory Action mailed May 30, 2006. No response having been received, the application became abandoned June 2, 2006. A Notice of Abandonment was mailed October 5, 2006.

The October 20, 2006 Petition

Applicant filed a petition on October 20, 2006, wherein Applicant asserted that a timely reply to the Office action, to wit – a Request for Continued Examination (and fee), was filed on May 30, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant filed a copy of the RCE, and a copy of his return-receipt postcard acknowledging receipt by this Office of the RCE on June 7, 2006.

The petition was dismissed in a Decision mailed March 6, 2007. The Decision dismissing the petition noted that, while Applicant had filed sufficient evidence to demonstrate the filing of the RCE (postcard receipt), the date of the RCE filing had not been adequately established such that its filing could be considered to have been timely without an extension of time. 37 CFR 1.8(b)(3) requires a statement which attests on a personal knowledge basis to the timely mailing of the Reply; however, a statement from the person who executed the Certificate of Mailing or Transmission, Ms. Abby Boone, had not been provided.

The present renewed petition

Applicant files the present renewed petition and includes a statement from Ms. Boone which attests on a personal knowledge basis to the previous timely mailing or transmission[1].

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 1772 for processing of the RCE/response, and for continued examination 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

[1] A review of the Statement from Ms. Boone reveals that Ms. Boone attests to the timely mailing or transmission of the RCE under 35 CFR 1.8. It is presumed that Ms. Boone intended to attest to the timely mailing or transmission of the RCE under 37 CFR 1.8. If this assumption is incorrect, Applicant should notify this Office immediately.

SPE: D. Lee

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/10/07

Paper No.: _____

TO SPE OF : ART UNIT 2851

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/244,997 Patent No.: 7182463

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**.

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: _____

Diane Lee — SPE

2857 — Art Unit

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

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OFFICE OF PETITIONS

In re Application of	:	
KAGEYAMA, Kazuro	:	DECISION
Application No.: 10/745,050	:	
Filing Date: December 23, 2003	:	ON PETITION UNDER
Docket No.: 122132	:	
For: VIBRATION MEASUREMENT DEVICE AND VIBRATION MEASUREMENT METHOD	:	37 CFR 1.181

This is a decision on the "Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181(a)," filed July 05, 2005.

The petition under §1.181 is **GRANTED**.

The above-identified application was held abandoned for failure to file a timely and proper reply to the Notice to File Corrected Application Papers (Notice) mailed August 12, 2004. The Office action set a period for reply of two (2) months from the mail date of the action, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been made of record and no extension of time received, the Office mailed a Notice of Abandonment on May 11, 2005.

The petition was filed promptly thereafter. Therein, petitioner states that the drawings are copies of what was timely filed on September 27, 2004. Petitioner submits a copy of the papers as filed and a copy of their return postcard receipt showing a date-stamp of receipt of the papers on September 27, 2004.

MPEP at section 503 states, in part:

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

The postcard receipt lists the replacement drawings. The postcard receipt is date stamped and lists the serial number, title, and inventor.

The postcard receipt is adequate evidence that the drawings were received. The copies are accepted as having been received on September 27, 2004.

The holding of abandoned is hereby **WITHDRAWN**.

The application is being referred to the Office of Initial Patent Examination for continued processing.

Erin P. Thomson

Erin Thomson
Attorney Advisor
PCT Legal Administration

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

Frances Hicks for

Brian Hearn
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/745,051	12/23/2003	Karl James Molnar	4015-5174	2285

24112 7590 08/14/2009

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

EXAMINER	
PAN, YUWEN	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
08/14/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AUG. 14 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
MOLNAR, KARL JAMES et al. :
Application No. 10/745,051 : DECISION ON REQUEST TO
Filed: December 23, 2003 : WITHDRAW APPLICATION FROM
For: **SIR ESTIMATES FOR NON-SCHEDULED MOBILE TERMINALS** : ISSUE

This is a decision on the petition, filed July 14, 2009, to withdraw the above-identified application from issue pursuant to the provisions of 37 C.F.R. §1.313(a).

The petition is **Denied**.

Petitioner's reasons for requesting withdraw of the application from issue is such that the Office might consider a reference cited in an Official Action in the Russian Application corresponding to the present case. An IDS for consideration was submitted citing the reference and the Official Action in the Russian application with the subject petition.

A review of the application file reveals that a Notice of Allowance and a Notice of Allowability were mailed for the above-identified application on May 14, 2009. The IDS and Petition were filed on July 14, 2009.

37 C.F.R. §1.313 Withdrawal from issue, states in part:

> (a) 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. 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. If the Office withdraws the application from issue, the Office will issue a new notice of allowance if the Office again allows the application.

MPEP §609.04(b) [R-5] Timing Requirements for an Information Disclosure Statement, states in part:

> III. INFORMATION DISCLOSURE STATEMENT FILED AFTER II. ABOVE BUT PRIOR TO PAYMENT OF ISSUE FEE (37 CFR 1.97 (d))
>
> > An information disclosure statement will be considered by the examiner if filed on or after the mailing date of any of the following: a final action under 37 CFR 1.113; a notice of allowance under 37 CFR 1.311; or an action that closes prosecution in the application, e.g., an Ex parte Quayle action, but before or

simultaneous with payment of the issue fee, provided the statement is accompanied by:

(A) a statement as specified in 37 CFR 1.97(e) (see the discussion in subsection V;
and
(B) the fee set forth in 37 CFR 1.17(p).

These requirements are appropriate in view of the late stage of prosecution when the information is being submitted, i.e., after the examiner has reached a final determination on the patentability of the claims presented for examination. Payment of the fee (37 CFR 1.17(p)) and submission of the appropriate statement (37 CFR 1.97(e)) are the essential elements for having information considered at this advanced stage of prosecution, assuming the content requirements of 37 CFR 1.98 are satisfied.

The requirements of 37 CFR 1.97 provide for consideration by the Office of information which is submitted within a reasonable time, i.e., within 3 months after an individual designated in 37 CFR 1.56(c) becomes aware of the information or within 3 months of the information being cited in a communication from a foreign patent office in a counterpart foreign application. This undertaking by the Office to consider information would be available throughout the pendency of the application until the point where the patent issue fee was paid.

If an applicant chose not to comply, or could not comply, with the requirements of 37 CFR 1.97(d), the applicant may file a RCE under 37 CFR 1.114, or a continuing application under 37 CFR 1.53(b) or (d) to have the information considered by the examiner. [emphasis added]

The IDS was filed prior to payment of the issue fee. Therefore, for consideration by the examiner, Applicant would need to comply with the requirements of 37 C.F.R. §1.97(d) which requires a statement as specified in 37 C.F.R. §1.97(e) and the fee. The fee under 37 CFR 1.17(p) was paid. However, the Statement specified in 37 CFR 1.97(e) was not found in the petition or the IDS. Therefore, Applicant has not complied with the requirements for filing an IDS after Notice of Allowance, before payment of the issue fee, in order for the examiner to consider the IDS.

Therefore, the request to withdraw the application from issue in accordance with 37 C.F.R. §1.313(a) is denied.

The application will be forwarded to the Office of Publications for issuance in appropriate turn.

Mark R. Powell, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Karl James Molnar	: DECISION ON REQUEST FOR
Patent Number	: 7599702	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/745,051	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1684** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Stephanie Von Der Fecht	: DECISION ON REQUEST FOR
Patent Number	: 7658936	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/745,066	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1624** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

S.N. 10/745,073
Attn: Magdalene Talley

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 17, 2009

TO SPE OF : ART UNIT 1796
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/745073[redacted]7462203

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: The request to correct inventorship is granted. It is noted that applicant had earlier filed a petition under 37 CFR 1.48(a) on June 21, 2007 to correct inventorship. That petition was reviewed and granted and made of record in the application file. This certificate of correction merely duplicates the request made in the cited petition.

SPE Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Vasu Jagannathan AU 1796

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P.O. BOX 4000
PRINCETON, NJ 08543-4000

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of :
Prashant P. Deshpande et al :
Application No. 10/745,075 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. LA0078 NP

This is a decision on the petition filed, October 2, 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 August 27, 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 1623 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: James T. Wasicak
McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606

---

[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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ARTHUR J. PLANTAMURA
GENERAL CHEMICAL PERFORMANCE PRODUCTS LLC
90 EAST HALSEY ROAD
PARSIPPANY NJ 07054

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of :
John C. Moore :
Application No. 10/745,079 :
Filed: December 23, 2003 :
Attorney Docket No.: GC-228 :

ON PETITION

This is a decision on the petition filed November 21, 2006, under 37 CFR 1.137(b), to revive the above identified application.

The petition is **GRANTED**.

The application was held abandoned on May 23, 2006, for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed on February 22, 2006. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on November 9, 2006.

A review of the file reveals that while the issue fee transmittal and petition for revival were filed May 31, 2006, they were filed with an incorrect application number and therefore applied to the wrong account.

With the instant request, the petition to revive, petition fee and issue fee transmittal filed May 31, 2006, have been moved to the correct application and the funds properly applied.

All other requirements of 37 CFR 1.137(b) having been met, this matter will be referred 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

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. 101504

STEVEN A. HILL
6487 SILVERLEAF AVENUE
REYNOLDSBURG, OH 43068

DEC 2 8 2004

In re Application of:	:	
BOB STONECYPHER	:	DECISION ON PETITION
Serial No.: 10/745,081	:	TO MAKE SPECIAL
Filed: December 23, 2003	:	
Attorney Docket No.: **STONECYPHER 1**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed December 23, 2003, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration from the inventor, Bob Stonecypher, stating that he 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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUN 18 2004

VP
PAPER NO. ___

In re Application of
Paul P. Castrucci
Serial Number: 10/745,106
Filed: December 23, 2003
For: APPARATUS AND METHOD FOR SEMICONDUCTOR WAFER CLEANING

PETITION UNDER M.P.E.P.708.02 IV

This is in response to the petition filed December 23, 2003, requesting that the above-identified application be granted Special Status under Section 708.02 IV of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IV of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

AKC PATENTS
215 GROVE ST.
NEWTON MA 02466

UNITED STATES PATENT AND TRADEMARK OFFICE

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BORDA, LORENZ & GEGGIE PLLC
Crystal Glen Office Centre
39555 Orchard Hill Place, Suite
Novi, MI 48375-5394

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DEC 0 8 2006

OFFICE OF PETITIONS

In re Application of
Laurens van den Acker *et al*
Application No.: 10/745,114
Filing Date: December 22, 2003
Docket No.: 81091494
For: WAX EMULSION PRESERVATIVE COMPOSITIONS AND METHOD OF MANUFACTURE

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the petition to revive under 37 CFR 1.137(b) filed via facsimile on September 25, 2006. The petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to a Notice of Allowance and Fee(s) Due mailed June 9, 2006. The Office Action set a non-extendable three (3) month period for reply.

Petitioners have met the requirements for revival under 37 CFR 1.137(b). Petitioners submitted the required issue and publication fee, paid the $1,500.00 petition fee and made the required statement of unintentional delay. No terminal disclaimer is required. Accordingly, all requirements of 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to Art Unit 2833 for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3302

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Crystal Glen Office Centre
39555 Orchard Hill Place, Suite 370
Novi, MI 48375-5394

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JAN 09 2007

OFFICE OF PETITIONS

In re Application of
Laurens van den Acker *et al*
Application No.: 10/745,114
Filing Date: December 22, 2003
Docket No.: 81091494
For: WAX EMULSION PRESERVATIVE COMPOSITIONS AND METHOD OF MANUFACTURE

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the petition to revive under 37 CFR 1.137(b) which was originally mailed 08 December 2006 but returned to sender. The petition was filed on September 25, 2006. The petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to a Notice of Allowance and Fee(s) Due mailed June 9, 2006. The Office Action set a non-extendable three (3) month period for reply.

Petitioners have met the requirements for revival under 37 CFR 1.137(b). Petitioners submitted the required issue and publication fee, paid the $1,500.00 petition fee and made the required statement of unintentional delay. No terminal disclaimer is required. Accordingly, all requirements of 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to Art Unit 2833 for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3302

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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AT&T Legal Department - HFZ
ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

Mail Date: 04/26/2010

Applicant	: William Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7609623	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/745,116	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

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JUN 13 2006

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 10/745,122	:	TO WITHDRAW
Filed: December 23, 2003	:	FROM RECORD
Attorney Docket No. ABTT-0385-B020501	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed March 6, 2006.

The request is **APPROVED**.

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

The request was signed by Steven B. Samuels on behalf of all attorneys of record who are associated with Customer Number 23377.

All attorneys/agents associated with Customer Number 23377 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the first named inventor at the first below-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed May 11, 2006 that requires a reply from the applicants.

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

David Bucci
Petitions Examiner
Office of Petitions

Cc:

ZHENYUAN WANG
1014 AUGUSTINE TRAIL
APEX, NC 27539

ABB INC
LEGAL DEPT - 4U6
29801 EUCLID AVE
WICKLIFFE, OH 44092

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OFFICE OF PETITIONS

ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

In re Application of
WANG et al
Application No.: 10/745,122
Filing Date: December 23, 2003
Attorney Docket No.: B020501

DECISION ON PETITION
UNDER 37 CFR 1.137(B)

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed November 9, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on February 10, 2007.

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

Applicant is advised that 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 the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 21, 2004

DEC 22 2004

STEVENS & SHOWALTER LLP
7019 Corporate Way
Dayton, OH 45459-4238

In Re Application of
CARL SAIEVA : Withdrawal From Issue
Application No. 10/745,139 :
Filed: December 23, 2003 :
Title: HIGH INTENSITY DISCHARGE (HID) LAMP WITH BALLAST AND UNDERWATER LIGHTING SYSTEMS INCORPORATING SAME

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Don Wong at (571) 272-1834.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

James L. Dwyer
Director, Technology Center 2800
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P O BOX 692289
HOUSTON, TX 77269-2289

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FEB 16 2006

OFFICE OF PETITIONS

In re Application of :
Janos Gyorgy Sarkozi et al :
Application No. 10/745,141 : DECISION GRANTING PETITION
Filed: December 23, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 134617-1 :

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 12, 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 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb9\745141.wpd

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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) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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SCOTT P. ZIMMERMAN, PLLC
PO BOX 3822
CARY NC 27519

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DEC 14 2007

OFFICE OF PETITIONS

In re Application of :
Valerie Binning :
Application No. 10/745,146 : DECISION GRANTING PETITION
Filed: December 23, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. BS030167 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of March 15, 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 Technology Center AU 2612 to consider the amendment received June 12, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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430 WHITE POND DRIVE
SUITE 200
AKRON OH 44320

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JAN 0 8 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Pat Yananton :
Application No. 10/745,147 :
Filed: December 23, 2003 :
Attorney Docket No. 1719 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] 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

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[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] 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.

disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (2).

The required fee for a petition to revive under 37 CFR 1.137(b) under small entity status is $750. Petitioner submitted $700 instead of $750.

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:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8600
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SUIT 200
AKRON OH 44320

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MAY 18 2007

OFFICE OF PETITIONS

In re Application of :
Pat Yananton :
Application No. 10/745,147 : DECISION GRANTING PETITION
Filed: December 23, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 1719 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of July 5, 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 3644.

Karen Creasy
Petitions Examiner
Office of Petitions

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MAY 0 6 2009

PATENT, COPYRIGHT & TRADEMARK LAW GROUP
4199 Kinross Lakes Parkway
Suite 275
Richfield, OH 44286

In re Application of :
Pat Yananton :
Serial No. 10/745,147 :
Filed: December 23, 2003 :
Title: Absorbent Pad for Entrapping Small And Large Particles, Retaining Liguids And eliminating Odors

DECISION ON PETITION TO WITHDRAW FROM ISSUE
37 C.F.R. 1.313(a)

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Peter Poon at (571) 272-6891.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Kathy Matecki

Kathy Matecki, Director
Technology Center 3600

rck

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

TOWNSEND, TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

In re Application of: Yamashita et al.
Application No. 10/745,158
Filed: December 22, 2003
For: STORAGE PATH CONTROL METHOD

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P.§708.02(VIII)

This is a response to the petition filed June 6, 2005 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner 7/15/05
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

AWK

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Orum & Roth LLC
53 W Jackson Boulevard
Chicago IL 60604-3606

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OFFICE OF PETITIONS

In re Application of :
OLSSON :
Application No. 10/745,159 : DECISION ON PETITION
Filed: December 23, 2003 : TO WITHDRAW
Attorney Docket No. 13738 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 16, 2006.

The request is **APPROVED**.

A review of the file record indicates that Catherine L. Gemrich: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Catherine L. Gemrich has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

A Review of the file discloses that a non-final Office action was mailed on August 03, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) are available. To date, there is no indication that a reply to the Office action of August 03, 2006 has been received.

The correspondence address remains unchanged.

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

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Kunzler Needham Massey & Thorpe
8 EAST BROADWAY, SUITE 600
SALT LAKE CITY, UT 84111

Mail Date: 04/20/2010

Applicant	: Ryan Charles Catherman	: DECISION ON REQUEST FOR
Patent Number	: 7581097	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/745,172	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Suite 1800
5718 Westheimer
Houston TX 77057

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OFFICE OF PETITIONS

In re Application of :
Naveen K. JAIN et al :
Application No. 10/745,180 : ON PETITION
Filed: December 23, 2003 :
Attorney Docket No. SparkArt-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 13, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 14, 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 arguments/remarks; (2) the petition fee of $770; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of July 13, 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 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 of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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 Quyen Leung at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2141 for appropriate action on the concurrently filed arguments/remarks.

David A. Bucci
Petitions Examiner
Office of Petitions

Cc: DERGOSITS & NOAH, LLP
Four Embarcadero Center, Suite 1450
San Francisco, CA 94111

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BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

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APR 2 6 2005

Technology Center 2100

In re Application of:
Klimenty VAINSTEIN
Application No. 10/745,183
Filed: December 22, 2003
For: METHOD AND SYSTEM FOR VALIDATING TIMESTAMPS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request For Withdrawal As Attorney Under 37 CFR § 1.36 and 0.40(c) filed January 10, 2005.

A Revocation And Substitution Of Power Of Attorney Under 37 CFR § 1.36 was filed on February 10, 2005. The Power Of Attorney revoked all prior Powers Of Attorney and appointed Carr & Ferrell LLP as the attorney(s) of record of the instant application. The Power of Attorney of February 10, 2005 was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by Carr & Ferrell LLP.

For the above stated reasons, the request is **DISMISSED AS MOOT**.

No further communication to you regarding this application will be made.

Tw

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Klimenty Vainstein :
Application No. 10/745,183 : DECISION ON PETITION
Filed: December 22, 2003 : TO WITHDRAW
Attorney Docket No. SSL1P025/SS-45 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 20, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that Carr & Ferrell LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, SUITE 700
SAN DIEGO, CA 92121

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JUN 16 2006

OFFICE OF PETITIONS

In re Application of	:	
McKnett, Charles Lee	:	DECISION ON PETITION
Application No. 10/745,187	:	TO WITHDRAW
Filed: December 22, 2003	:	FROM RECORD
Attorney Docket No. 026305-000100US	:	

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 7, 2006.

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

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 33123 has been revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

There is an outstanding Office action mailed June 5, 2006 that requires a reply.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272- 3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

cc:

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

DAVID A. HALL
TOWNSEND AND TOWNSEND AND CREW, LLP
12730 HIGH BLUFF DRIVE, SUITE 400
SAN DIEGO, CA 92130

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LARA A. NORTHROP
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ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of :
Andre Biewend et al. :
Application No. 10/745,201 : DECISION ACCORDING STATUS
Filed: December 23, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: MEDG6456

This is in response to the petition filed under 37 CFR 1.47(a) on June 7, 2004.

The petition is **GRANTED**.

The above-identified application was filed on December 23, 2003 naming Andre Biewend and Ronald E. Caponi as joint inventors, but without a signed declaration.

Accordingly, on April 7, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on June 7, 2004, the present petition was filed with a declaration signed only by joint inventor Biewend seeking status under 37 CFR 1.47(a) because the application materials had been forwarded to Mr. Caponi, but to date, he has not responded with an executed oath or declaration. Thus by his actions, Mr. Caponi refuses to cooperate with the filing of the instant application.

The copy of the letter mailed to Mr. Biewend forwarding to him the application materials is submitted to show that Mr. Biewend has had an opportunity to review the application materials. The evidence submitted that Mr. Caponi verbally expressed to Mr. Biewend that he would not sign the declaration would not, by itself, have been sufficient without a declaration from Mr. Biewend averring to that fact.

Nevertheless, 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

the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3761 for examination in due course.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PAUL E. MILLIKEN
9061 WALL STREET, NW
MASSILLON OH 44646-1676

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OFFICE OF PETITIONS

In re Application of :
Stephen Francis Gerard Cooley et al. :
Application No. 10/745,202 : DECISION GRANTING PETITION
Filed: December 22, 2003 :
Attorney Docket No. P395 :

This is a decision on the petition filed May 7, 2004 under 37 CFR 1.182 in response to the "Notice to File Missing Parts" mailed April 5, 2004.

The instant application was filed December 22, 2003 and a filing date was accorded. However, according to the "Notice" which also included a Notice of Omitted Items, it was indicated that the application papers submitted did not include pages 1-7 of the specification.

Petitioner asserts that pages 1-7 were among the papers filed on December 22, 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 13 and bears a United States Patent and Trademark Office date-stamp of December 22, 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 7, 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 December 22, 2003 and pages 1-7 of the specification submitted May 7, 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

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Husch-Eppenberger LLC

HUSCH & EPPENBERGER, LLC
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS, MO 63105-3441

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APR 11 2003

OFFICE OF PETITIONS

In re Application of Elias Bourdkane, Alan Prettyman, Chris Hui, Phil Trudelle, Gordon Jiang and Knud Klingler Application No. 09/718,263 Filed: November 22, 2000 Attorney Docket No. 68,003-079 Title: LUMBAR SUPPORT MEMBER	:	DECISION GRANTING PETITION UNDER 37 C.F.R. § 1.137(b) and DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)

This is in response to the "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)," and the "Request for Reconsideration of Petition under 37 C.F.R. § 1.47(a)," both filed April 2, 2003.

Receipt of the revocation and power of attorney filed August 7, 2002, is acknowledged and made of record.

The above-identified application became abandoned for failure to timely file a proper reply to the decision on petition mailed August 24, 2001. The decision set a period for reply of two (2) months from the mail date of the decision, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been timely filed and no extensions of time obtained, the above-identified application became abandoned on October 25, 2001. A Notice of Abandonment was mailed on July 1, 2002.

The above-identified application was filed on November 22, 2000, with an unexecuted declaration. Elias Bourdkane, Alan Prettyman, Chris Hui, Phil Trudelle, Gordon Jiang, and Knud Klingler were named as joint inventors. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" mailed March 26, 2001, applicants timely filed the initial petition under 37 CFR 1.47(a)[1] and met the other requirements set forth in the Notice. The declarations filed July 20, 2001, and the petition were reviewed and found in compliance with 37 C.F.R. § 1.47(a), except rule 47 applicants

[1] 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.

Action: Status ck
DOCKETED/H&E
Due Date: 6/11/03
By: deb 4/15/03
2d check:

had not shown that inventor Bourdkane had refused to join in the application after having been presented with the application papers (Decision dismissing petition mailed August 24, 2001).

Petitioner has now met all requirements for revival pursuant to 37 CFR 1.137(b). The petition includes payment of the petition fee, the required reply in the form of a request for reconsideration of petition under § 1.47, and a proper statement of unintentional delay. Furthermore, on instant request for reconsideration, rule 47 applicants have shown that all of the application papers were presented to inventor Bourdkane and that he subsequently refused to join in the application.

Accordingly, the petition under § 1.47(a) is **GRANTED**.

In view thereof, the petition under § 1.137(b) is **GRANTED**.

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 application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Petitions Attorney
Office of Petitions

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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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OFFICE OF PETITIONS

In re Application of	:	
Maracas et al.	:	
Application No. 10/745,234	:	DECISION REFUSING STATUS
Filed: December 22, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 07121.0007U2	:	
	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 8, 2004 (certificate of mailing November 5, 2004) Applicants obtained a five-month extension of time to reply. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicants are 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 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 December 22, 2003, without an executed oath or declaration. Accordingly, on April 5, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring an executed oath or declaration and a surcharge.

In response, on November 8, 2004 (certificate of mailing November 5, 2004), applicants filed the present petition, a declaration signed by 8 of 9 joint inventors, a request for a five-month extension of time to reply, and paid the necessary fees.

In the Statement of Facts, C.H. Freeman states that NIR Diagnostics, Inc. mailed to Mr. Pawluczyk the declaration and

power of attorney and an assignment for his signature on May 17, 2004. However, Mr. Freeman further explained that the letter of May 17, 2004, did not enclose any other documentation in relation to the patent application because the company was aware that Mr. Pawluczyk maintained his own personal file with copies of all related documents, including the specification, claims, drawings, and declaration (which he would ask for and was given as a general practice whenever a patent application was filed by the company and his name was involved).

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. Applicants lack item (1) as set forth above.

As to item (1), Mr. Freeman admitted that a complete copy of the application papers were not presented to the nonsigning inventor because the company believed that he maintained his own personal file with copies of all related documents, such as the specification, claims, and drawings. Unless the nonsigning inventor was presented with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he has "reviewed and understands the application papers," and therefore, could not sign the declaration that he was given. Accordingly, applicants failed to show or provide proof that the nonsigning inventor has refused to sign the declaration. See MPEP 409.03(d). To show that the inventor has refused to join in the application, applicants must show that complete copies of the application papers, including the specification, claims and drawings, were presented to the nonsigning inventor, personally or through his designated representative, and that he did not respond to the request that he sign the declaration. The Statements of Facts must be made by a person with first-hand knowledge of the events surrounding the nonsigning inventor's refusal to join the application.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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

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999 PEACHTREE STREET
ATLANTA GA 30309-3915

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OFFICE OF PETITIONS

In re Application of
Maracas et al.
Application No. 10/745,234
Filed: December 22, 2003
Attorney Docket No. 07121.0007U2

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 31, 2005 (certificate of mailing May 27, 2005). Petitioner obtained a extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition is granted.

Petitioner has shown that Romuald Pawluczyk, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, Duncan MacIntyre, President and CEO of NIR Diagnostics, Inc., stated that a copy of the application papers were presented and accepted by Mr. Pawluczyk. Mr. MacIntyre further stated that after continuous efforts, Mr. Pawluczyk refused to sign the declaration.

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.

This matter is being referred to Technology Center Art Unit 3727.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MARK TRITEL
616 CORPORATE WAY, SUITE 2 #3771
VALLEY COTTAGE NY 10989-2050

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
Tuvia D. Kutscher, et. al. :
Application No. 10/745,287 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket 559832000100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 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 Restriction Requirement/Election, mailed May 1, 2008 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response and amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2871 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions

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JUN 07 2010

OFFICE OF PETITIONS

MARK TRITEL
616 Corporate Way, Suite 2#3771
Valley Cottage, NY 10989-2050

In re Application of
Tuvia D. Kutscher, et al.
Application No. 10/745,287
Filed: December 22, 2003

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 15, 2010.

The request is **APPROVED**.

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

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

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

There is an outstanding Office action mailed January 25, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Citala Ltd.**
2 Habarzel Street
Ramat Hachayal
Tel Aviv, 69710
Israel

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/745,287	12/22/2003	Tuvia D. Kutscher	559832000100

CONFIRMATION NO. 8100

POWER OF ATTORNEY NOTICE

83455
MARK TRITEL
616 CORPORATE WAY, SUITE 2 #3771
VALLEY COTTAGE, NY 10989-2050

OC000000041874745

Date Mailed: 06/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/15/2010.

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

/tsjohnson/

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

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ROBERT W. STROZIER, P.L.L.C.
PO BOX 429
BELLAIRE TX 77402-0429

COPY MAILED
FEB 16 2010

In re Application of	:	
Larry W. Gatlin et al	:	
Application No. 10/745,290	:	DECISION ON PETITION
Filed: December 23, 2003	:	
Attorney Docket No. 03015/02UTL	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, 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 RCE and a previously filed amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed February 25, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received November 19, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BASF CORPORATION
LEGAL DEPARTMENT
1609 BIDDLE AVENUE
WYANDOTTE MI 48192

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JUL 0 2 2004

OFFICE OF PETITIONS

In re Application of
Walter Rau et al.
Application No. 10/745,303
Deposited: December 23, 2003
Attorney Docket No. 12036-C10

ON PETITION

This is in response to the petition under 37 CFR 1.53, filed June 1, 2004, in response to the Notice of Incomplete Application mailed April 7, 2004, and requesting a filing date of December 23, 2003.

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

The instant application was deposited with the USPTO on December 23, 2003. On June 1, 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, the instant petition is filed. However, the filing fee in the amount of $130.00 has not been paid and the petition does not bear a signature. This petition cannot be reviewed on the merits.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. Failure to file a timely response will result in proceedings on this application being terminated, and forwarding of the application to the Office of Initial Patent Examination for processing as an incomplete application.

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

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

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BASF CORPORATION
LEGAL DEPARTMENT
1609 BIDDLE AVENUE
WYANDOTTE MI 48192

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AUG 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Walter Rau et al. :
Application No. 10/745,303 : ON PETITION
Deposited: December 23, 2003 :
Attorney Docket No. 12036-C10 :

This is in response to the request for reconsideration filed by facsimile transmission on July 16, 2004, which is treated under 37 CFR 1.53, and requesting a filing date of December 23, 2003.

The petition is **GRANTED**.

The instant application was deposited with the USPTO on December 23, 2003. On June 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Application" indicating that the application was deposited without drawings and set a two (2) month shortened statutory period for reply. A petition to accord a filing date was filed June 1, 2004 and dismissed in a decision mailed July 2, 2004.

In response, the present petition was filed, accompanied by, *inter alia*, three (3) sheets of drawings. Petitioners assert that the above-identified application is a continuation of Application No. 09/558,678 filed April 26, 2000 and is incorporated by reference into the instant application.

A search of the official file reveals that on December 23, 2003, a specification and a "Utility Patent Application Transmittal" cover sheet indicated that the application was a continuation of application no. 09/558,678, and that the entire disclosure from the prior application is incorporated by reference.

Based on petitioners' representation that the papers supplied with the petition constitute a copy of the prior application, and the incorporation by reference statement appearing on the application transmittal sheet deposited on December 23, 2003, stating that the application is a continuation of Application No. 09/558,678 herein incorporated by referenced, it appears that the drawings were present in the Office on December 23, 2003, albeit in the file of another application, *i.e.,* Application No. 09/558,678.

Therefore, on petition, the application may be accorded the requested filing date.

The application will be processed and examined with the three (3) sheets of drawings supplied on June 1, 2004, as a part of the original disclosure.

The petition filed July 16, 2004 is **GRANTED**.

A petition fee in the amount of $130.00 will be charged to deposit account no. 08-2789. Since the petition was required to accord the requested filing date, a petition fee is required and thus cannot be refunded.

Of course, the primary examiner is expected to compare the drawings supplied on June 1, 2004, to the disclosure of prior application No. 09/558,678 in order to verify that the drawings are, in fact, part of the disclosure of the prior application.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to December 23, 2003, using the application papers filed on December 23, 2003 and the copy of three (3) sheets of drawings, supplied on June 1, 2004, as the original disclosure, and for an indication in Office records that three (3) sheets of drawings were present on filing.

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

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JAMES A HARRISON
PO BOX 670007
DALLAS TX 75367

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Helm, et al.	:	DECISION GRANTING PETITION
Application No. 10/745,328	:	AND WITHDRAWING THE
Filed: December 23, 2003	:	HOLDING OF ABANDONMENT
Attorney Docket No. 16165RRUS02U	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 22, 2007.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action mailed October 27, 2006. This Office action set a shortened statutory period of three (3) months for reply. No reply having been received, the application became abandoned on January 28, 2007. A Notice of Abandonment was mailed on May 4, 2007.

Petitioner states that he did not receive the October 27, 2006 Office action. To establish non-receipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the non-received Office action would have been entered had it

been received and docketed.[1] A proper docket report consists of a "docket record where the non-received Office action would have been entered had it been received and docketed."[2]

Here, petitioner has met the requirements to establish non-receipt. In particular, petitioner has submitted a satisfactory docket record showing all PTO actions received during the period from January 25, 2007 to January 29, 2007. An entry for the instant application on January 27, 2007 is absent, supporting the conclusion that the Office action was not received.

Accordingly, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application is being forwarded to Group Art Unit 2142 for re-mailing of the October 27, 2006 Office action to the above address of record, setting a new period for reply.

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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[1] See MPEP 711.03(c)(II).

[2] Id.

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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
10/745,331	12/22/2003	2856	1126	299575	10	76	7

CONFIRMATION NO. 7547

CORRECTED FILING RECEIPT

OC000000014882234

27479
COCHRAN FREUND & YOUNG LLC
3555 STANFORD ROAD
SUITE 230
FORT COLLINS, CO 80525

Date Mailed: 01/05/2005

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)

Frederick Mark Paz, Littleton, CO;
David Howson, Denver, CO;
Michael V. Wiernicki, Trumansburg, NY;

Power of Attorney: The patent practitioners associated with Customer Number **028286**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/745,331

Projected Publication Date: 06/23/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Breath aerosol management and collection system

Preliminary Class

073

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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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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SEP 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Schmidt, Richard A.	:	
Application No. 10/745,332	:	ON PETITION
Filed: December 22, 2003	:	
Attorney Docket No. 2848-28-PUS-1-5	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the undersigned at (703) 306-0482. Any telephone inquiries after September 28, 2004 should be directed to (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Craig Farrell Thomaschefsky	: DECISION ON REQUEST FOR
Patent Number	: 7645353	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/745,339	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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LAW OFFICES OF BARRY N. YOUNG
260 SHERIDAN AVENUE
PALO ALTO, CA 94306-2047

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DEC 16 2004

OFFICE OF PETITIONS

In re Application of :
Tai Chen et al :
Application No. 10/745,364 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 2102393-991106 :

This is a decision on the petition, filed December 14, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on November 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) 272-3208.

The examiner of Technology Center AU 2874 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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES CA 90025-1030

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FEB 27 2007

OFFICE OF PETITIONS

In re Application of :
William B. **KILGORE**, et al. :
Application No. 10/745,369 : DECISION ON PETITION
Filed: December 22, 2003 : TO WITHDRAW
Attorney Docket No. 5306P109 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 2006.

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

A review of the file record indicates that the power of attorney to Marina Portnava of BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP has been revoked by the assignee of the patent application on September 5, 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: **CSA LLP**
4807 SPICEWOOD SPRINGS ROAD
BUILDING 4 STE 201
AUSTIN, TX 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 090704

Robert Ryan Morishita
ANDERSON & MORISHITA, L.L.C.
2725 S. Jones Blvd.
Las Vegas, NV 89146

OCT 1 2004

In re Application of:
Daniel Meggs
Serial No.: 10/745,384
Filed: December 22, 2003
Attorney Docket No.: **MEGGS03-01**

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 May 27, 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 Robert Ryan Morishita, on behalf of himself and all the attorneys/agents of record. There is at least thirty (30) days remaining 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.

The request is **APPROVED**.

There are no attorneys of record at this time.

All future communications from the Office will be directed to the inventor, Daniel Meggs, 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 P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Daniel Meggs
3224 Cherum St.
Las Vegas, NV 89135

SPE: K. Bragdon

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/16/07

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/245,393 Patent No.: 7094757

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**.

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: All corrections should be entered. Deleted claim 45 was canceled Cl 35 and should not have been printed in the patent.
KCC 4-19-2007

KATHLEEN KERR BRAGDON, PH.D.
SUPERVISORY PATENT EXAMINER

Kathleen Kerr Bragdon
SPE

1656
Art Unit

Cofc

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2/27/07
(Date of Deposit)

Trevor K. Copeland, Reg. No. 50,292
Name of applicant, assignee, or Registered Representative

Signature

2/27/07
Date of Signature

OIPE IAP93 MAR 02 2007 PATENT & TRADEMARK OFFICE

Our File No. 9793-141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Elke Faatz et al.	
Patent No.: 7,094,757 B2	Examiner: Karen C. Carlson
Issue Date: August 22, 2006	Group Art Unit: 1653
Serial No.: 10/745,393	
Filing Date: December 23, 2003	
For: Complexes Comprising A Prion Protein And A Peptidyl Prolyl Isomerase Chaperone, And Method For Producing And Using Them	

Certificate MAR 06 2007 of Correction

ok to enter fee 4-19-07

REQUEST FOR CERTIFICATE OF CORRECTION

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

Attn: Certificate of Corrections Branch

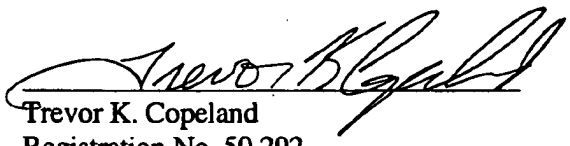
Sir:

Please issue a Certificate of Correction for the above-identified patent to correct the errors listed on the accompanying PTO Form 1050. This request is being made pursuant to 35 U.S.C. § 254, since the errors comprise minor or typographical errors by the Patent and Trademark Office.

MAR - 6 2007

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Trevor K. Copeland
Registration No. 50,292
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
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Chicago, Illinois 60610
(312) 321-4200

MAR - 6 2007

PTO/SB/44(07-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,094,757 B2
APPLICATION NO. : 10/745,393
ISSUE DATE : August 22, 2006
INVENTOR(S) : Elke Faatz et al.

It is certified that error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

On page 2, in column 1, lines 24-25, under "OTHER PUBLICATIONS", delete "*Transactivatioin*" and substitute --*Transactivation*-- in its place.

On page 2, in column 1, line 26, under "OTHER PUBLICATIONS", immediately after "vol. 326" insert --,-- (comma).

On page 2, in column 1, line 51, before "*Virus Envelope*" delete "*Immunodificiency*" and substitute --*Immunodeficiency*"-- in its place.

On page 2, in column 2, line 9, delete "13363-1383" and substitute --13363-13383-- in its place.

On page 2, in column 2, line 25, after "in the life" delete "cyle" and substitute --cycle-- in its place.

On page 3, in column 1, line 2, before "*Structure on the Trigger Factor*" delete "*Molecular*" and substitute --*Modular*-- in its place.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Trevor K. Copeland
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610

PATENT NO. 7,094,757 B2

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,094,757 B2
APPLICATION NO. : 10/745,393
ISSUE DATE : August 22, 2006
INVENTOR(S) : Elke Faatz et al.

It is certified that error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page (cont'd)

On page 3, in column 1, line 11, after "Ellis, R.W." delete "(Chapter 29" and substitute --Chapter 29-- in its place.

On page 3, in column 1, line 23, delete "Cotents" and substitute --Contents-- in its place.

On page 3, in column 2, line 12, after "Mini-" delete "Tnhly" and substitute --Tn*hly*-- in its place.

In the Claims

Column 30, delete claim 45 in its entirety.

Column 31, in claim 48, line 3, delete "*Pasteurelia*" and substitute --*Pasteurella*-- in its place.

Column 31, claims "46-49" should be renumbered as claims --45-48-- respectively.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,094,757 B2
APPLICATION NO. : 10/745,393
ISSUE DATE : August 22, 2006
INVENTOR(S) : Elke Faatz et al.

It is certified that error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims (cont'd)

Column 31, claim "50" should be renumbered as --49-- and in line 1 delete "claim **49**" and substitute --claim **48**-- in its place.

Column 31, claims "51" and "53" should be renumbered as --50-- and --52-- respectively.

Column 31, claim "52" should be renumbered as --51-- and in line 1 delete "claim **31**" and substitute --claim **50**-- in its place.

Column 31, claim "54" should be renumbered as --53-- and in line 1 delete "claim **53**" and substitute --claim **52**-- in its place.

Column 31, claim "55" should be renumbered as --54--.

Column 32, claim "56" should be renumbered as --55-- and in line 1 delete "claim **55**" and substitute --claim **54**-- in its place.

Column 32, claim "58" should be renumbered as --57-- and in line 1 delete "claim **57**" and substitute --claim **56**-- in its place.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
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BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610

PATENT NO. 7,094,757 B2

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CERTIFICATE OF CORRECTION

PATENT NO : 7,094,757 B2
APPLICATION NO. : 10/745,393
ISSUE DATE : August 22, 2006
INVENTOR(S) : Elke Faatz et al.

It is certified that error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims (cont'd)

Column 32, claim "59" should be renumbered as --58-- and in line 1 delete "claim **57**" and substitute --claim **56**-- in its place.

Column 32, claim "60" should be renumbered as --59--.

Column 32, claim "61" should be renumbered as --60-- and in line 1 delete "claim **60**" and substitute --claim **59**-- in its place.

Column 32, claim "62" should be renumbered as --61-- and in line 1 delete "claim **60**" and substitute --claim **59**-- in its place.

Column 32, claim "63" should be renumbered as --62--.

Column 32, claim "64" should be renumbered as --63-- and in line 1 delete "claim **63**" and substitute --claim **62**-- in its place.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
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PATENT NO. 7,094,757 B2

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,094,757 B2
APPLICATION NO. : 10/745,393
ISSUE DATE : August 22, 2006
INVENTOR(S) : Elke Faatz et al.

It is certified that error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims (cont'd)

Column 32, claim "65" should be renumbered as --64-- and in line 1 delete "claim **63**" and substitute --claim **62**-- in its place.

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PATENT NO. 7,094,757 B2

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/745,396	12/22/2003	Michael L. Lehrman	ILFI01-00145	7880

23990 7590 02/01/2010

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER	
HOEKSTRA, JEFFREY GERBEN	
ART UNIT	**PAPER NUMBER**
3736	

NOTIFICATION DATE	DELIVERY MODE
02/01/2010	ELECTRONIC

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

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

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

patents@munckcarter.com
munckcarter@gmail.com

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In re Application of:
LEHRMAN, MICHAEL L. et al
Serial No.: 10/745,396
Filed: Dec. 29, 2005
Docket: ILFI01-00145
Title: SYSTEM AND METHOD FOR DETECTING THE ONSET OF AN OBSTRUCTIVE SLEEP APNEA EVENT

DECISION ON PETITION

This is a decision on the petition filed October 30, 2009 under 37 CFR 1.181 requesting withdrawal of the election of species requirement of the Office action mailed December 22, 2008. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief is granted. Since the examiner did not address the issue of search burden after at least three Office actions on the merits, the election of species requirement is not in compliance with MPEP § 803. The election of species of December 22, 2008 is hereby withdrawn. The examiner has been directed to issue an Office action on the merits of the withdrawn claims 31, 32, 37, 41, 42 and 47 along with the elected claims.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3736 for further consideration and examination of the Rule 111 amendment filed on October 30, 2009.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is **granted.**

Donald T. Hajec, Director
Technology Center 3700